## ROCKWALL CITY COUNCIL REGULAR MEETING <br> Monday, May 16, 2022-5:00 PM <br> City Hall Council Chambers - $\mathbf{3 8 5}$ Goliad St., Rockwall, TX 75087

I. Call Public Meeting to Order
II. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding appointments to city regulatory boards and commissions, including interviews associated with the Planning \& Zoning Commission and N. TX. Municipal Water District (NTMWD) Board, pursuant to Section, §551.074 (Personnel Matters)
2. Discussion regarding designation of Mayor Pro Tem, pursuant to Section $\S 551.074$ (Personnel Matters).
III. Adjourn Executive Session
IV. Reconvene Public Meeting (6:00 P.M.)
V. Invocation and Pledge of Allegiance - Councilmember Campbell
VI. Proclamations / Awards / Recognitions / Honors
3. Swearing in of Newly Elected City Councilmembers - Judge David Rakow

- Mark Moeller, Place 2
- Trace Johannesen, Place 4
- Anna Campbell, Place 6

2. State Farm, Happy 100th Day
3. Public Works Week
4. Recognition of Rockwall Youth Advisory Council's Graduating Seniors
VII. Open Forum

This is a time for anyone to address the Council and public on any topic not already listed on the agenda or set for a public hearing. Per Council policy, public comments should be limited to three minutes out of respect for other citizens' time. If you have a topic that warrants longer time, please contact the City Secretary at kteague@rockwall.com to be placed on the Agenda during the "Appointment Items" portion of the meeting. This will allow your topic to be provided sufficient time for discussion and will permit proper notice to be given to the public. On topics raised during Open Forum, please know Council is not permitted to respond to your comments during the meeting since the topic has not been specifically listed on the agenda (the Texas Open Meetings Act requires that topics of discussion/deliberation be posted on an agenda not less than 72 hours in advance of the Council meeting). This, in part, is so that other citizens who may have the same concern may also be involved in the discussion.
VIII. Take any Action as a Result of Executive Session

## IX. Consent Agenda

These agenda items are routine/administrative in nature, have previously been discussed at a prior City Council meeting, and/or they do not warrant Council deliberation. If you would like to discuss one of these items, please let the City Secretary know before the meeting starts so that you may speak during "Open Forum."

1. Consider approval of the minutes from the May 2, 2022, regular City Council meeting, and take any action necessary.
2. Consider an ordinance amending the Code of Ordinances in Ch. 36, Article IV, Division 2. 'ART Review Team Commission' to increase the composition of the board from five to seven members, and take any action necessary. (2nd reading)
3. P2022-015 - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a Preliminary Plat for the Vallis Greene Subdivision consisting of 182 single-family residential lots on a 93.97-acre tract of land identified as Tract 4 \& 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 \& 26 and all of Tract $13 \& 25$ of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary.
4. P2022-016 - Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a Master Plat for the Vallis Greene Subdivision consisting of 182 singlefamily residential lots on a 93.97-acre tract of land identified as Tract 4 \& 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract $25-1 \& 26$ and all of Tract 13 \& 25 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary.
5. P2022-017 - Consider a request by Humberto Johnson, Jr. of the Skorburg Co. on behalf of John Arnold of Falcon Place SF, LTD for the approval of a Final Plat for the Winding Creek Subdivision consisting of 132 single-family residential lots on a 78.831-acre tract of land identified as Tracts 17, 17-01, 22, 22-04 \& 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.
6. P2022-020 - Consider a request by Heather Cullins on behalf of Shirley Smith of Smith Family Acres, LLC for the approval of a Preliminary Plat for the Smith Family Acres Subdivision consisting of four (4) single-family residential lots on a 44.525-acre tract of land identified as Tract 7-1 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single-Family 10 (SF-10) District land uses, generally located on the west side of John King Boulevard north of the intersection of John King Boulevard and FM552, and take any action necessary.
7. P2022-018 - Consider a request by Brian Jones for the approval of a Replat for Lots 1 \& 2, Block A, North Alamo Addition being a 2.1325-acre tract of land identified as Block 15, 15B, 15C \& 16 of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as $401,405,501 \& 503$ N. Alamo Road, and take any action necessary.

## X. Appointment Items

1. Appointment with the Rockwall Youth Advisory Council (YAC) to hear year-end presentation, and take any action necessary.
2. Appointment with Jim Rosenberg to discuss and consider authorizing the City Manager to execute a concession agreement between the City of Rockwall and Harbor Bay Marina Corporation, and take any action necessary.

## XI. Public Hearing Items

If you would like to speak regarding an item listed below, please turn in a (yellow) "Request to Address City Council" form to the City Secretary either before the meeting or as you approach the podium. The Mayor or Mayor Pro Tem will call upon you to come forth at the proper time. Please limit your comments to no more than three minutes.

1. Z2022-016 - Hold a public hearing to discuss and consider a request by John and Rita Canavan for the approval of an ordinance for a Zoning Change from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District for a five (5) acre tract of land identified as Lot 5 of the Mustang Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 714 Clem Road, and take any action necessary (1st Reading).
2. Z2022-017 - Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of an ordinance for a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary (1st Reading).
3. Z2022-018 - Hold a public hearing to discuss and consider a request by Carlos and Crystal Solis for the approval of an ordinance for a Specific Use Permit (SUP) for an Accessory Building on a 3.02acre parcel of land identified as Lot 7R of the Lofland Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 2.0 (SFE-2.0) District, addressed as 2914 FM549, and take any action necessary (1st Reading).
4. Z2022-019 - Hold a public hearing to discuss and consider a request by Fred Gans of CDC Equities, LLC for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses on a 13.55-acre tract of land identified as Lots $8 R, 9 R \& 10$ of the Rainbow Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, addressed as 5879, 5917 \& 5981 FM-3097 [Horizon Road], and take any action necessary (1st Reading).
5. Z2022-020 - Hold a public hearing to discuss and consider a request by Hellen Byrd on behalf of Donald Valk for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 14.78-acre tract of land identified as Tracts 8 \& 8-1 of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 4649 SH-276, and take any action necessary (1st Reading).
6. Z2022-021 - Hold a public hearing to discuss and consider a request by Ruben Chapa for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1214-acre parcel of land identified as Lot 22, Block B, Chandler's Landing, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405 Ranger Drive, and take any action necessary (1st Reading).

## XII. Action Items

If your comments are regarding an agenda item below, you are asked to wait until that particular agenda item is up for discussion, and the Mayor or Mayor Pro Tem will call you forth to the podium to hear your comments (please limit to 3 minutes or less). This allows for all public comments to be grouped with each specific agenda item for the Council to consider, and they are then easily referenced in meeting recordings.

1. Discuss and consider an ordinance granting a franchise agreement to Atmos Energy Corporation, Mid-Tex Division to provide natural gas service in the City of Rockwall, and take any action necessary. (1st reading)
2. Discuss and consider appointments to the city's ART Commission, and take any action necessary.

## XIII. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding appointments to city regulatory boards and commissions, including interviews associated with the Planning \& Zoning Commission and N. TX. Municipal Water District (NTMWD) Board, pursuant to Section, $\S 551.074$ (Personnel Matters)
2. Discussion regarding designation of Mayor Pro Tem, pursuant to Section $\S 551.074$ (Personnel Matters).
XIV. Reconvene Public Meeting \& Take Any Action as Result of Executive Session

## XV. Adjournment

This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 771-7700 or FAX (972) 771-7727 for further information.

The City of Rockwall City Council reserves the right to adjourn into executive session at any time to discuss any of the matters listed on the agenda above, as authorized by Texas Government Code $\boldsymbol{\$} 551.071$ (Consultation with Attorney) 9551.072 (Deliberations about Real Property) ๆ 551.074 (Personnel Matters) and $\boldsymbol{9} 551.087$ (Economic Development)

I, Kristy Teague, City Secretary for the City of Rockwall, Texas, do hereby certify that this Agenda was posted at City Hall, in a place readily accessible to the general public at all times, on the 13th day of May, 2022 at 4:00 p.m. and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kristy Teague, City Secretary
Date Removed
or Margaret Delaney, Asst. to the City Sect.

MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Kristy Teague, City Secretary/Asst. to the City Manager |
| DATE: | May 16, 2022 |
| SUBJECT: | SWEARING-IN OF CITY COUNCILMEMBERS |

Attachments
Summary/Background Information
The Rockwall City Council was able to cancel its May 7, 2022 General Election due to candidates not having drawn any opponents. On May 16, Mark Moeller (most recently serving on the city's Planning \& Zoning Commission) will be sworn in to the Councilmember, Place 2 position and will be serving his first, two-year term in office. Trace Johannesen will be sworn in as Councilmember, Place 4, and this will be his last and final, two-year term in this seat. Finally, Anna Campbell was initially appointed by Council to fill a vacancy for Place 6 on June 15, 2020. Thereafter, she was elected (ran unopposed) to a one-year term to finish out the vacancy. At Monday's council meeting, Ms. Campbell will again be sworn in to the Councilmember, Place 6 seat, and this will be her first, full, two-year term in office.

Judge David Rakow of the 439th District Court will be present to administer the 'Oath of Office' to each of these three, newly-elected Rockwall City Councilmembers.

Action Needed
N/A

Whereas, State Farm ${ }^{\circledR}$ is celebrating its I00th anniversary in 2022; and

OWhereas, State Farm was founded in the United States on the 7th day of June in the year 1922 by G.J. Mecherle, a farmer from Merna, IL; and

Whereas, Rockwall recognizes the positive impact State Farm and its agents have on our community, as they have been taking care of customers in Texas since 1928; and

Whereas, eight State Farm agents currently provide exceptional service to Rockwall County residents and businesses within our community.

Tau, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, do hereby proclaim the week of June 7, 2022, as

## STATE FARM, HAPPY $100^{\text {TH }}$ DAY

in the City of Rockwall and urge all residents to congratulate this company and its agents for this 100 year milestone and for being a good neighbor through acts of kindness and making people feel welcome.

In Wetness OWhereaf, I hereunto affix my hand and official seal this $16^{\text {th }}$ day of May, 2022.



OWhereas, Public works services provided in our community are an integral part of our citizens' everyday lives; and

OWhereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sanitary and storm sewers, streets and alleys, as well as providing support for various City Departments; and

OWhereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

OWhereas, the quality and effectiveness of these facilities, as well as their planning, design and construction, is vitally dependent upon the efforts and skill of public works officials; and

OWhereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

OWhereas, National Public Works Week is a celebration of the tens of thousands of men and women in North America who provide and maintain the infrastructure and services collectively know as public works.

Mou, Therefore, I, Kevin Fowler, Mayor of the City of Rockwall, do hereby proclaim the week of May I5-21, 2022, as:

## PUBLIC WORKS WEEK

in the City of Rockwall, and encourage all citizens to acquaint themselves with the issues involved in providing our public works and recognize the contributions public works officials make every day to our health, safety, comfort and quality of life.

In OPetnese OWhereaf, I hereunto affix my hand and official seal this $16^{\text {th }}$ day of May, 2022.


路ebin Jfowler, flayor

City of Rockwall
The CNew FPoizon

## MEMORANDUM

TO: $\quad$ Honorable Mayor and City Council Members
FROM: Kristy Cole, City Secretary / Assistant to the City Manager
DATE: May 12, 2022
SUBJECT: YAC's Graduating High School Seniors

The following Youth Advisory Council students will be graduating on June $1^{\text {st }}$. All of them happen to be Rockwall High School students (\#JFND!). We would like to recognize them for this accomplishment, thank them for their service on the YAC, and wish them well in their future endeavors.

| Youth Advisory <br> Council <br> (Grade / School) | First <br> Name | Last <br> Name |
| :--- | :--- | :--- |
| Senior (RHS) | Mazie | Johnson |
| Senior (RHS) | Peyton | Nielsen |
| Senior (RHS) | Carissa | Heimer |
|  | Rylee | Braaten |
| Senior (RHS) |  |  |

# ROCKWALL CITY COUNCIL REGULAR MEETING <br> Monday, May 02, 2022-5:00 PM <br> City Hall Council Chambers - 385 Goliad St., Rockwall, TX 75087 

I. Call Public Meeting to Order

Mayor Fowler called the public meeting to order at 5:00 p.m. Present were Mayor Kevin Fowler, Mayor Pro Tem John Hohenshelt, and Councilmembers Clarence Jorif, Dana Macalik, Trace Johannesen, Bennie Daniels, and Anna Campbell. Also present were City Manager Mary Smith, Assistant City Manager Joey Boyd, and City Attorney Frank Garza.

Mayor Fowler read the below-listed discussion items into the record before recessing the public meeting to go into Ex. Session at 5:02 p.m.
II. Executive Session.

The City of Rockwall City Council will Recess into Executive Session to discuss the following matter as authorized by Chapter 551 of the Texas Government Code:

1. Discussion regarding legal advice associated with The Shores on Lake Ray Hubbard homeowners association (HOA) regulations, pursuant to Section 551.071 (Consultation with Attorney).
2. Discussion regarding (re)appointments to city regulatory boards and commissions, pursuant to Section, §551.074 (Personnel Matters)
3. PULLED FROM PUBLIC MTG. AGENDA - Action Item \# 1: MIS2022-010 - Discuss and consider a request by Michael Hampton of 549 Crossing, LP on behalf of Justin Webb and Russell Phillips of Rockwall 205 Investors, LLC for the approval of a Miscellaneous Case for a Variance to the Utility Placement requirements in the General Overlay District Standards to allow overhead utilities in conjunction with raw land and a Retail Store with Gasoline Sales on a 34.484 -acre tract of land identified as Tracts $17-5$ of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at east of the intersection of S. Goliad Street [SH-205] and S. FM-549, and take any action necessary.
4. PULLED FROM PUBLIC MTG. AGENDA - Action Item \# 2: MIS2022-009 - Discuss and consider a request by Stephen Geiger of Rayburn Electric Cooperative, Inc. for the approval of a Miscellaneous Case for a Special Exception to the fence standards on a 58.72 -acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at the northwest corner of the intersection of S. Goliad Street [SH-205] and Mims Road, and take any action necessary.
III. Adjourn Executive Session

Council adjourned from Ex. Session at 5:54 p.m.
IV. Reconvene Public Meeting (6:00 P.M.)

Mayor Fowler reconvened the public meeting at 6:00 p.m.
V. Invocation and Pledge of Allegiance - Councilmember Johannesen

Councilmember Johannesen delivered the invocation and led the Pledge of Allegiance.
VI. Proclamations / Awards / Recognitions / Honors

1. Motorcycle Safety \& Awareness Month

Mayor Fowler came forth and read the Motorcycle Safety \& Awareness Month proclamation.
2. Older Americans Month

Mayor Fowler called forth the Rockwall County Meals on Wheels program Executive Director, Margie Verhagen; Development Director, Maureen Cook; and Volunteer Coordinator, Kimberly Gossett-Smith. He then read and presented them with a proclamation naming May as "Older Americans Month." Ms. Verhagen then said a couple of words regarding the Rockwall County Meals on Wheels program.
3. Police Memorial Week

Mayor Fowler called forth Max Geron, Rockwall Police Department's Chief of Police. He then read and presented him with the Police Memorial Week proclamation. Chief Geron then said a few, brief words.
4. Mental Health Awareness Month

Mayor Fowler called forth Rockwall Police Department's (RPD) Mental Health Officer, Monica Hardman. He then read and presented her with this proclamation.
5. Recognition of outgoing City Councilmember / Mayor Pro Tem, John Hohenshelt

Mayor Kevin Fowler said a few words regarding Mayor Pro Tem John Hohenshelt's tenure as City Councilman and Mayor Pro Tem. Several Councilmembers also said a few words of recognition about Mayor Pro Tem Hohenshelt.

Mayor Pro Tem Hohenshelt reminisced about several things related to his years of service on the REDC as well as the city council. He offered words of thanks to all of his colleagues from the City Council, City Staff, and outside organizations. Phil Wagner from the Rockwall Development Economic Corporation (REDC) then presented Hohenshelt with a plaque thanking him for his dedication and service to the REDC.
VII. Open Forum

Mayor Fowler explained how Open Forum is conducted, asking if anyone would like to come forth and speak at this time.

There being no one wishing to come forth and speak, Mayor Fowler then closed Open Forum.
ViII. Take any Action as a Result of Executive Session

## No action was taken as a result of Executive Session.

## IX. Consent Agenda

1. Consider approval of the minutes from the April 18, 2022 regular City Council meeting, and take any action necessary.
2. Z2022-013 - Consider a request by Rodolfo Cardenas of CARES Home Builder, Inc. for the approval of an ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision on a 0.1650-acre parcel of land identified as Lot 985A of the Rockwall Lake Estates \#2 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 75 (PD-75) for Single-Family 7 (SF-7) District land uses, addressed as 130 Chris Drive, and take any action necessary (2nd Reading).
3. Z2022-014 - Consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to Planned Development District for limited Neighborhood Services (NS) District land uses for a 173.00-acre tract of land identified as Tract 7-1 of the W. H. Baird Survey, Abstract No. 25 and Lot 1, Block A, Rockwall CCA Addition, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-205 By-Pass Overlay (SH-205 BY-OV) District, addressed as 2301 John King Boulevard, and take any action necessary (2nd Reading).
4. Z2022-015 - Consider a request by Robert Howman of Glenn Engineering Corp. on behalf of William Salee of the Rockwall Independent School District (RISD) for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to Planned Development District for limited Neighborhood Services (NS) District land uses for a 76.068-acre tract of land identified as Tracts 14-01 \& 14-11 of the J. M. Glass Survey, Abstract No. 88, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located at the northwest corner of the intersection of FM-1141 and E. Quail Run Road, and take any action necessary (2nd Reading).
5. Consider approval of an emergency repair of sanitary sewer manholes on the southwest corner of Dalton Road and N. Goliad and on the northeast corner of Horizon Road and FM-740 in the amount of $\$ 113,890.00$ to be performed by Double R Utilities, Inc. and funded out of the Water and Sewer Fund, Wastewater Operations Budget, including authorizing the City Manager to execute any associated documents, and take any action necessary.
6. Consider awarding a contract to Custard Construction Services for waterproofing improvements to Rockwall City Hall and authorizing the City Manager to execute a contract totaling $\$ 157,578.53$ to be funded out of the Internal Operations Department operating budget, amending the Internal Operations Department operating budget in the amount of $\$ 157,600$ from General Fund Reserves, and take any action necessary.
7. Consider authorizing the City Manager to execute a contract with Peek Pro Audio in the amount of $\$ 28,375.00$ for stage and sound services related to 2022 Founders Day Festival, to be funded out of 20212022 Hotel / Motel Funds, and take any action necessary.
8. SP2022-021 - Consider a request by Jeff Carroll Architects on behalf of Frank Fite of the Fite Agency, LLC for the approval of an Alternative Tree Mitigation Settlement Agreement in conjunction with an approved site plan for an Office Building on a 0.392-acre parcel of land identified as Lot 1, Block A, Fite Office Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 50 (PD-50) for ResidentialOffice (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 810 N. Goliad Street [SH-205], and take any action necessary.
9. P2022-013 - Consider a request by Christopher Zamord of Jones Carter on behalf of Metroplex Acquisition Fund, LP for the approval of a Replat for Lots 12 \& 13, Block A, Stone Creek Retail Addition being a 5.96acre tract of land identified as Lot 11, Block A, Stone Creek Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 for limited General Retail (GR) District land uses, situated within the North SH-205 Overlay (N. SH-205 OV) District, located at the northeast corner of the intersection of SH-205 and Bordeaux Drive, and take any action necessary.
10. P2022-014 - Consider a request by Dub Douphrate of Douphrate \& Associates on behalf of Father Michael Vinson of St. Benedict's Anglican Church for the approval of a Final Plat for Lot 1, Block A, St. Benedict's Anglican Church Addition being a 7.424-acre tract of land identified as Tracts $3 \& 10$ of the W. B. Bowles Survey, Abstract No. 12 and A. Hanna Survey Abstract No. 98, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, 1500 Sunset Hill Drive, and take any action necessary.
11. P2022-019 - Consider a request by Justin Lansdowne of McAdams Co. on behalf of John Delin of RW Ladera, LLC for the approval of a Replat for Lots 2 \& 3, Block A, Ladera Rockwall Addition being a 37.8-acre tract of land identified as Lot 1, Block A, Ladera Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 85 (PD-85), situated within the 205 By-Pass Overlay ( 205 BY-OV) and the East SH-66 Overlay (E SH-66 OV) District, located at the northeast corner of the intersection of SH-66 and John King Boulevard, and take any action necessary.
12. P2022-021 - Consider a request by David Shipman of Triten Real Estate Partners on behalf of Robert E. Lambreth of BSKJ Development Corporation for the approval of a Preliminary Plat for Lot 1, Block A, Revelation Addition being a 18.480-acre tract of land identified as Tracts 1, 1-3 \& 1-7 of the J. M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 1725 SH-276, and take any action necessary.
13. P2022-022 - Consider a request by Gabriel Collins of Pacheco Koch a Westwood Company on behalf of Gary Hancock of First United Methodist Church for the approval of a Replat for Lots 10 \& 11, Block A, First United Methodist Church Addition being a 17.821-acre tract of land identified as Lots 7 \& 9, Block A, First United Methodist Church Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 1200 E. Yellow Jacket Lane, and take any action necessary.
14. MIS2022-007 - Consider a request Clark Staggs of Foxtrot 46 Development on behalf of Neil Gandy of ADD Real Estates for the approval of a Miscellaneous Case for an Alternative Tree Mitigation Settlement Agreement for a 6.60-acre tract of land being a portion of Tract 21 of the D. Harr Survey, Abstract No. 102, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, generally located on the north side of Airport Road east of the intersection of Airport Road and John King Boulevard, and take any action necessary.
15. Consider approval of an ordinance amending the Rockwall Economic Development Corporation (REDC) budget for fiscal year 2022, and take any action necessary.

Mayor Pro Tem Hohenshelt moved to approve the entire Consent Agenda (\#s 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15). Councilmember Joriff seconded the motion. The ordinance captions were read as follows:

CITY OF ROCKWALL<br>ORDINANCE NO. 22-23<br>SPECIFIC USE PERMIT NO. $\underline{\text { S-276 }}$

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ENDING PLANNED DEVELOPMENT DISTRICT 75 (PD-75) [ORDINANCE NO. 16-01] AND三 UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF CKWALL AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (P) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE NSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1650-ACRE PARCEL OF LAND, NTIFIED AS LOT 985A, ROCKWALL LAKE ESTATES \#2 ADDITION, CITY OF CKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED D DEPICTED IN EXHIBIT ' $A$ ' OF THIS ORDINANCE; PROVIDING FOR SPECIAL NDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO JUSAND DOLLARS $(\$ 2,000.00)$ FOR EACH OFFENSE; PROVIDING FOR A JERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN :ective date.

CITY OF ROCKWALL
ORDINANCE NO. $\underline{22-24}$


#### Abstract

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT 95 (PD-95) R NEIGHBORHOOD SERVICES (NS) DISTRICT LAND USES ON THE SUBJECT OPERTY, BEING A 173.00-ACRE TRACT OF LAND IDENTIFIED AS TRACT 7-1 OF THE H. BAIRD SURVEY, ABSTRACT NO. 25 AND LOT 1, BLOCK A, ROCKWALL CCA DITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY SCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; PROVIDING R SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE V OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR EVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN :ECTIVE DATE.


CITY OF ROCKWALL
ORDINANCE NO. 22-25
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AGRICULTURAL (AG) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT 94 (PD-94) R NEIGHBORHOOD SERVICES (NS) DISTRICT LAND USES ON THE SUBJECT JPERTY, BEING A 76.068-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 14-01 \& 14JF THE J. M. GLASS SURVEY, ABSTRACT NO. 88, CITY OF ROCKWALL, ROCKWALL UNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED REIN BY EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A VALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS $(\$ 2,000.00)$ R EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

CITY OF ROCKWALL, TEXAS
ORDINANCE NO. 22-26
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, ENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2021 2OUGH SEPTEMBER 30, 2022; PROVIDING FOR AN EFFECTIVE DATE.

The motion to approve passed by a vote of 7 ayes with 0 nays.
X. Appointment Items

1. Appointment with Planning \& Zoning Commission representative to discuss and answer any questions regarding planning-related cases on the agenda.

Jerry Welch of the city's Planning \& Zoning Commission came forth and briefed the Council on recommendations of the Commission relative to planning-related items on tonight's meeting agenda. Council took no action following his briefing.
2. Appointment with representatives of the Rockwall Fire Department's "Explorer Program" to hear update regarding the program, and take any action necessary.

Chief Cullins introduced 2 members of his team that oversee this program. An informational video presentation regarding the program was played. After the video, various Councilmembers provided positive comments related to the program. No action was taken.
XI. Action Items

1. MIS2022-010 - Discuss and consider a request by Michael Hampton of 549 Crossing, LP on behalf of Justin Webb and Russell Phillips of Rockwall 205 Investors, LLC for the approval of a Miscellaneous Case for a Variance to the Utility Placement requirements in the General Overlay District Standards to allow overhead utilities in conjunction with raw land and a Retail Store with Gasoline Sales on a 34.484-acre tract of land identified as Tracts 17-5 of the W. W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at east of the intersection of S. Goliad Street [SH-205] and S. FM-549, and take any action necessary

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. The applicant is requesting the City Council grant a variance to the underground requirements to allow overhead power lines along SH-205 and the current alignment of FM549. In the applicant's letter, the applicant has stated that Farmers Electric Cooperative would need to relocate these lines in the future. Staff has requested that the applicant provide additional information from Farmers Electric Cooperative showing an itemization of how the costs in the letter were calculated; however, the applicant has stated that Farmers Electric Cooperative has not been able or willing to provide additional details on how the costs were calculated. Staff requested this information from the applicant to try and ascertain if the improvements being required by Farmers Electric Cooperative were simply related to the burial of the lines or if they are requiring the applicant to make system-wide improvements affecting properties not associated with the burial of the lines for this project.

According to Section 09.02, Variances to the General Overlay District Standards, of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC), "...an applicant may request the Planning and Zoning Commission grant a variance to any provision contained in Section 06.02, General Overlay District Standards, of Article 05, District Development Standards, where unique or extraordinary conditions exist or where strict adherence to the technical requirements of this section would create an undue hardship." Mr. Miller explained that variances to the unground utility requirements are discretionary decisions that are considered on a case-by-case basis by the City Council pending a recommendation from the Planning and Zoning Commission. On April 26, 2022, the Planning and Zoning Commission reviewed the applicant's request and approved a motion to recommend denial by a vote of 51, with Commissioner Welch dissenting and Commissioner Womble being absent.

Mayor Fowler made an observation regarding Councilmember Daniels's dislike of variances. He then asked Mr. Daniels to speak. Mr. Daniels stated he is a stickler when it comes to variances and he does like to have a 'good reason' for when the City does one. He cited an example of when Ridge Road was re-done. The voters decided that they did not want to pay for the underground utilities, and he believed that was a mistake in the end. Not only is it unsightly, but there is also more downtime/maintenance work. His point was many times we have a developer come in and - as Mr. Hohenshelt and others have stated - they ask Council
to solve their economic problem; basically, so they can make more money. Councilman Daniels went on to state that his opinion, in this case, is the city would not be lining this developer's pockets by doing this. This is a cost that they are going to have to incur at a dollar-for-dollar cost. Doing that will add to our tax base, which in turn will help the residents. He then stated he has no issue with allowing this variance.

Following Mr. Daniel's comments, Councilmember Dana Macalik made a motion to approve MIS2022-010 and Councilmember Daniels seconded the motion. The motion to approve passed by a vote of 7 ayes with 0 nays.
2. MIS2022-009 - Discuss and consider a request by Stephen Geiger of Rayburn Electric Cooperative, Inc. for the approval of a Miscellaneous Case for a Special Exception to the fence standards on a 58.72-acre tract of land identified as Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District and Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, generally located at the northwest corner of the intersection of S. Goliad Street [SH-205] and Mims Road, and take any action necessary.

Planning Director, Ryan Miller, provided background information pertaining to this agenda item. The applicant -- Stephen Geiger of Rayburn Country Electric Cooperative, Inc. -- has submitted a request for an exception to allow the construction of a six (6) foot chain-link fence around the subject property. The subject property is a 58.72-acre tract of vacant land situated at the northwest corner of the intersection of Mims Road and S. Goliad Street [SH-205] that is zoned Heavy Commercial (HC) District and Commercial (C) District. According to the applicant's letter, Rayburn Country Electric Cooperative, Inc. purchased the subject property to ensure that they would have land to expand their business in the future. Unfortunately, they have had issues with illegal dumping on the newly acquired site and are looking for a way to secure the property. In order to achieve this, the applicant is proposing to construct a six (6) foot chainlink fence that will start south of the City's lift station on Mims Road, extend east along Mims Road to S. Goliad Street, turn north and extend along S. Goliad Street to the northern property boundary, and turn west following the existing property line approximately 530 -feet (see Figure 1 below). The applicant is proposing to set the fence back 20 -feet from the property line (i.e. at the front building setback line) along Mims Road and back 50 -feet from the property line (i.e. at the front building setback line) adjacent to S. Goliad Street.

According to Subsection 08.04(A), Fence Standards for Properties in a Commercial District, of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC), "(n)onrequired fences in the Neighborhood Services (NS), General Retail (GR), and Commercial (C) Districts shall be constructed of materials outlined in Subsection 8.02(B); however, wood and vinyl coated chain-link shall be prohibited." In addition, Subsection 08.04(C), Fence Standards for Properties in an Industrial District, of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC) states, "(n)on-required fences in the Heavy Commercial (HC), Light Industrial (LI), and Heavy Industrial (HI) Districts shall be constructed of materials outlined in Subsection 8.02(B); however, the wood shall be prohibited." As stated above, the applicant is proposing a six (6) foot chain-link fence, which is a not permitted fence material in either the Commercial (C) District or the Heavy Commercial (HC) District. With this being said, the applicant has stated that this is only a temporary solution intended to address their issues with illegal dumping and to temporarily secure the property until future expansion. It is also worth pointing out that the properties directly north (i.e. 2670 S. Goliad Street -- TransAm Trucking)
and south (i.e. 2890 S. Goliad Street -- EPES Transport System, LLC) of the subject property currently have legal, non-conforming chain-link fences. Based on this, the applicant's request does not appear to change the essential character of the area; however, a request for an exception for a fence is a discretionary decision for the Planning and Zoning Commission and for the City Council.

According to Subsection 09.01, Exceptions to the General Standards, of Article 11, Development Applications and Review Procedures, of the Unified FIGURE 3: TRANSAM TRUCKING Development Code (UDC), approval of any exception to the requirements of this section by the Planning and Zoning Commission or City Council shall require a supermajority vote (i.e. threefourths vote of those members present), with a minimum of four (4) votes in the affirmative."

On April 26, 2022, the Planning and Zoning Commission failed to get a supermajority vote for a motion to approve the applicant's request with the caveat that the fence be black vinyl coated chain-link along S. Goliad Street [SH-205]. The P\&Z motion failed by a vote of 4-2, with Commissioners Chodun and Conway dissenting. In accordance with Subsection 09.01 of Article 11 of the Unified Development Code (UDC), the applicant has submitted a written letter to the Director of Planning and Zoning requesting to appeal the Planning and Zoning Commission's decision to the City Council. It was noted that in order to approve the applicant's request, the City Council would need to approve a motion by a super-majority vote.

The applicant came forward and presented the case, generally describing to the council his desire for approval of temporary, chain link fencing associated with this development.

Mayor Fowler commented this is an odd case, because it is in an overlay district, in a heavy commercial district that is requiring something ornamental when it does not fit the zoning. He also commented that this was not a hard case for him. He does not have an issue with the chain link fence or the plastic siding on the front.

Councilmember Johannesen asked the applicant if he intends to replace the chain link fence with the rod iron fence through the various phases of the project. The applicant responded, "yes" and stated that chain link is currently surrounding the original tract of land. Councilmember Johannesen inquired about the possibility of finding a way to essentially phase in the rod iron fencing and do away with the chain link fencing. He generally indicated he has the same concerns as the Planning \& Zoning Commission had regarding putting a timer (so-tospeak) on the building of the fence and having there be some sort of conditional agreement in place in this regard.

Planning Director, Ryan Miller asked City Attorney, Frank Garza if staff can somehow work with the developer through the provisions of the master plan in order to ensure that the chain link fencing will eventually be replaced with a rod iron fence. Mr. Garza indicated that - yes - this is possible. Mr. Garza clarified that - if for example, 30\% of the development occurs in Phase 1, then $30 \%$ of the chain link fence would need to come down and be replaced with rod iron. The percentage of development that occurs in each phase will correspond with the percent of chain link fencing that gets removed and replaced with rod iron. Mr. Garza clarified his understanding that this applicant is asking for approval of 'temporary' chain link fencing that - as the development progresses - will eventually be replaced with fencing that complies with the city's Code (rod iron).

Following various comments, Mayor Pro Tem Hohenshelt made a motion to approve MIS2002009 for the temporary use of chain link fencing, stipulating that - as development on the project progresses (in percentages) - then an equal percentage of the chain link fencing will come down and rod iron fending will be installed in its place. Councilmember Jorif seconded the motion. The motion passed by a vote of 7 ayes with 0 nays.
3. Discuss and consider an ordinance amending the Code of Ordinances in Ch. 36, Article IV, Division 2. 'ART Review Team Commission' to increase the composition of the board from five to seven members, and take any action necessary. (1st reading)

Councilmember Macalik made a motion to approve an ordinance amending the Code of Ordinances in Ch. 36, Article IV, Division 2. 'ART Review Team Commission' to increase the composition of the board from five to seven members. Mayor Pro Tem Hohenshelt seconded the motion. Indication was given that there are more residents interested in serving on this Commission than there are seats available, which is the reason for this proposed ordinance change. The motion then passed by a vote of $\mathbf{7}$ ayes to $\mathbf{0}$ nays.
4. Discuss and consider appointment(s) to the city's ART Commission, and take any action necessary.

Councilmember Macalik moved to appoint Seán Charles Martin, to the city's ART Commission to replace former member, Bonnie Lankford who is moving out of the city. She included in her motion that he will finish out Ms. Lankford's August 2022 term and thereafter continue serving a full, two-year term until August of 2024. Mayor Fowler seconded the motion, which passed by a vote of 7 ayes to 0 nays.
XII. City Manager's Report, Departmental Reports and related discussions pertaining to current city activities, UPCOMING MEETINGS, FUTURE LEGISLATIVE ACTIVITIES, AND OTHER RELATED MATTERS.

1. Building Inspections Department Monthly Report - March 2022
2. Fire Department Monthly Report - March 2022
3. Parks \& Rec. Department Monthly Report - March 2022
4. Police Department Monthly Report - March 2022
5. Sales Tax Historical Comparison
6. Water Consumption Historical Statistics

No discussion took place related to departmental reports, and Council took no action related to them. City Manager Mary Smith said that Police Department's South office location is finally occupied now, which is great news for staff who recently moved into that space. An Open House and Ribbon Cutting will be held at that facility on Thursday, May $19^{\text {th }}$. She also stated that Farmers Market begins this weekend on the downtown square. In addition, the city's Founders Days Festival is also coming up on May $21{ }^{\text {st }}$. Council took no action related to Mrs. Smith's comments.
XV. Adjournment

Mayor Fowler adjourned the meeting at 7:30 p.m.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS ON THIS 16 ${ }^{\text {th }}$ DAY OF MAY, 2022.

KEVIN FOWLER, MAYOR
ATTEST:

KRISTY TEAGUE, CITY SECRETARY

## CITY OF ROCKWALL

ORDINANCE NO. 22-27


#### Abstract

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CH. 36. STREETS, SIDEWALKS AND PUBLIC PLACES; ARTICLE IV. ART IN PUBLIC PLACES MASTER PLAN; DIVISION 2. ART REVIEW TEAM (ART) COMMISSION; SEC. 3677. "ESTABLISHED," SUBSECTION (a)(1)a. "COMPOSITION" TO CHANGE THE REQUIRED COMPOSITION FROM A FIVE (5) MEMBER COMMISSION TO A SEVEN (7) MEMBER COMMISSION; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.


WHEREAS, the Rockwall City Council, in order to facilitate more participation by members of the public who may wish to serve, has determined that the following composition for the city's Art Review Team (ART) Commission is in the best interest of the public:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That the Code of Ordinances in Chapter 36. Streets, Sidewalks, and Public Places; Article IV. Art in Public Places Master Plan; Division 2. Art Review Team (ART) Commission; Section 36-77. "Established;" Subsection (a)(1)a. "Composition" is hereby amended to henceforth read in its entirety as follows:
(a) (1) The art review team (ART) commission shall consist of five seven members, who shall all be "interested citizens" appointed by the city council. All team members should possess knowledge of, or have an interest in contemporary, visual art, artistic principles and art media.
a. The art review team (ART) commission shall consist of five seven regular members appointed by a majority of the city council. A staff liaison will be appointed by the city manager.

Section 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict;

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void;

Section 4. That all ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed. The balance of such ordinance is hereby saved from repeal;

Section 5. That this Ordinance shall become effective immediately upon passage and approval and it is so resolved.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this $\underline{16}^{\text {th }}$ day of MAY, 2022.

[^0]
## ATTEST:

Kristy Teague, City Secretary

## APPROVED AS TO FORM:

## Frank Garza, City Attorney

$1^{\text {st }}$ Reading: 05-02-2022
$2^{\text {nd }}$ Reading: 05-16-2022

MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Ryan Miller, Director of Planning and Zoning |
| DATE: | May 16, 2022 |
| SUBJECT: | P2022-015; PRELIMINARY PLAT FOR VALLIS GREENE |


#### Abstract

Attachments Case Memo Development Application Location Map Preliminary Plat Preliminary Landscape Plan Preliminary Treescape Plan Preliminary Drainage Plan Preliminary Utility Plan Summary/Background Information Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a Preliminary Plat for the Vallis Greene Subdivision consisting of 182 singlefamily residential lots on a 93.97-acre tract of land identified as Tract 4 \& 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 \& 26 and all of Tract 13 \& 25 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary.


Action Needed
The City Council is being asked to approve, approve with conditions, or deny the proposed Preliminary Plat.

TO:
DATE:
APPLICANT:
CASE NUMBER:

Mayor and City Council
May 16, 2022
Ryan Joyce; Michael Joyce Properties
P2022-015; Preliminary Plat for Vallis Greene

## SUMMARY

Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a Preliminary Plat for the Vallis Greene Subdivision consisting of 182 single-family residential lots on a 93.97 -acre tract of land identified as Tract $4 \& 4-01$ of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 \& 26 and all of Tract $13 \& 25$ of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary.

## PLAT INFORMATION

$\square$ The purpose of the applicant's request is to Preliminary Plat a 93.97 -acre parcel of land (i.e. Tract 4 \& 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 \& 26 and all of Tract 13 \& 25 of the W. M. Dalton Survey, Abstract No. 72) to show the future establishment of 182 single-family residential lots and six (6) open space lots (i.e. Lots 1-25, Block A; Lots 1-21, Block B; Lots 1-24, Block C; Lots 1-16, Block D; Lots 1-32, Block E; Lots 1-13, Block F; Lots 1-8, Block G; Lots 1-31, Block H; Lots 1-18, Block I Vallis Greene Subdivision). The proposed Preliminary Plat also lays out the necessary easements (e.g. fire lane, public access/right-of-way, utilities, and drainage) for the future development of the residential subdivision. Staff should note that the applicant has submitted a Master Plat [i.e. Case No. P2022-016] concurrently with this Preliminary Plat.
$\square$ The subject property was annexed on March 16, 1998 by Ordinance No. 98-10 [Case No. A1998-001]. At the time of annexation, the subject property was zoned Agricultural (AG) District. According to the Rockwall Central Appraisal District (RCAD), currently situated on the subject property is: [1] a $2,500 \mathrm{SF}$ single-family home constructed in 1958, [2] a ~1,856 SF covered porch constructed in 1958, [3] a 400 SF storage building constructed in 1900, and [4] a 96 SF storage building with a 240 SF covered canopy constructed in 2007. On April 18, 2022, the City Council approved a zoning change [Case No. Z2022-010; Ordinance No. 22-22] for the subject property from Agricultural (AG) District to Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses.
$\square$ On May 3, 2022, the Parks and Recreation Board reviewed the Preliminary Plat and made the following recommendations concerning the proposed subdivision:
(1) The property owner shall use the pro-rata equipment fees of $\$ 105,014.00$ (i.e. $\$ 577.00 \times 182$ Lots) and the cash-inlieu of land fees of $\$ 110,838.00$ (i.e. $\$ 609.00 \times 182$ Lots) to provide amenity to the four (4) acre tract of land (i.e. Tract 13-01 of the W. M. Dalton Survey, Abstract No. 72) in accordance with Ordinance No. 22-22 (i.e. Planned Development District 93 [PD-93]).
(2) The property owner shall provide receipts to the Director of Parks and Recreation showing that the amenities provided are equal to or greater than the fees assessed.
$\square$ The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
$\boxtimes$ Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the Conditions of Approval section below.

W With the exception of the items listed in the Conditions of Approval section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

## CONDITIONS OF APPROVAL

If the City Council chooses to approve the Preliminary Plat for the Vallis Greene Subdivision, staff would propose the following conditions of approval:
(1) All technical comments from City Staff (i.e. Engineering, Planning and Fire Department) shall be addressed prior to submittal of civil engineering plans; and,
(2) The development shall adhere to the recommendations made by Parks and Recreation Board; and,
(3) Any construction resulting from the approval of this Preliminary Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## PLANNING AND ZONING COMMISSION

On May 10, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the preliminary plat by a vote of $6-0$, with Commissioner Womble absent.


PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:


## ZONING APPLICATION FEES:

$\square$ ZONING CHANGE ( $\$ 200.00+\$ 15.00$ ACRE)
$\square$ SPECIFIC USE PERMIT $(\$ 200.00+\$ 15.00 \text { ACRE })^{182}$
$\square$ PD DEVELOPMENT PLANS $(\$ 200.00+\$ 15.00$ ACRE)
OTHER APPLICATION FEES:
$\square$ TREE REMOVAL (\$75.00)
$\square$ VARIANCE REQUEST/SPECIAL EXCEPTIONS $(\$ 100.00)^{2}$
NOTES:
I IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, RDUND UP TO ONE (1) ACRE. 2: A S1,000.00 FEE WLL BE ADDED TO THE APPLCATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WTHOUT OR NOT IN COMPLIANCE TD AN APPROVED BUILDING PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS 1649 FM 1141 , Rockwall TX 75087
subdivision ABS Aolz2, MB Jones, Tract 4-01 Lot general location Approx. 1250 feet east of the intersection Junk King Fimilyl. Surthr f Fmillil

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENTZONING Agricultural CURRENTUSE Agricultural proposed zoning Planned Development District proposed use Single Family

$$
\text { ACREAGE } 94,13 \text { Aches LOTS [CURRENT] } 1 \quad 182
$$

$\square$ SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.
OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINTICHECK THE PRIMARY CONTACTIORIGINAL SIGNATURES ARE REQUIRED]

| ■ OWNER |
| :---: |
| CONTACT PERSON |
| ADDRESS |
| CITY, STATE \& ZIP |
| PHONE |
| EMAIL |
| NOTARY VERIFICATION [RE |
| BEFORE ME, THE UNDERSIGNED AUTH |
| STATED THE INFORMATION ON THIS AP |
| "I HEREBY CERTIFY THAT I AM THE OWNER |
| \$ |

$\square$ APPLICANT
CONTACT PERSON
ADDRESS

CITY, STATE \& ZIP
PHONE
EMAIL
NOTARY VERIFICATION [REQUIRED]
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED $\qquad$ [OWNER] THE UNDERSIGNED, WHO E INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING: TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE

FORMAT CONTAND WITH20 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL II .E "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE InFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRRG
SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUST FORPUBLICINFORMATION."


City of Rockwall

Planning \& Zoning Department
385 S. Goliad Street Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.


EEGAL DESCRIPTION:



 1081, Pa
follows:
BEGINNG ot a $1 / 2$ inch iron rod found in the south line of Form to Market Rood No. 1141, an 80
fot rinht-of-woy, for the northwest corner of soid Mike L. Peoples tract recorded in Volume 850 ,
Poge 15 ,
HENCE Easterly, with said south line, the following four (4) courses and distances
North 83 degrees 33 minutes 49 seconds East, a distance of 62.35 feet to a $1 / 2$ inch iron rod
with a yellow plastic coo stamped "UVC" set for corner ot the beinning of a curve to the right


Easterly, with soid curve to the right, an ore distance of 361.57 feet to a $1 / 2$ inch iron rod
with o yellow plostic cop stamped


 oad, a 60 foot right-of-way,
THENCE North 89 degrees 31 minutes 25 seconds East, leaving soid south line of Farm to Marke
Road No. 1141 ond with soid south line of Cornelius Rood, $a$ distonce of 37.01 feet to $01 / 2$ inch Rood No. 1141 ond with soid south line of Cornelius Rood, o
ron rod with o yellow plostic cop stamped "UVC" set for corneri
THENCE South 00 degrees 29 minutes 15 seconds East, leoving soid south line and generolly with a
existing fence, a distance of 300.96 feet to a fence corner post found for corner; THEECE South 61 degreses 44 minutes 36 seconds East, generally with on existing fence, a distance
of 134.73 feet to o ofence corner post found for corner;

 in Deed to C
County, Texos;
THENCE North 89 degres 12 minutes 20 seconds East, with the south line of soid City of Rockwoll.
Texas stract ond generally with on existing fence, oo idistonce of 57.00 feet to a fence corner post

 2008-00396788, Deed Records, Rockwoll County,
Peoples troct recorded in Volume 1679, Page 196;
 THENCE South 83 degres 16 minutes 15 seeonds West, leaving soid common line ond generally with
on existing fence, oo distonce of 258.34 feet to a fence ecorner post found for corner; THENCE South 05 degrees 53 minutes 32 seconds East, generally with an existing fence, a distonce
of 78.43 feet to a $1 / 2$ inch iron rod with a yellow plostic cop stamped "JUC' set for corner;
 THENCE South 01 degres 18 minutes 41 seconds East, with said common line, a distance of 334.84
feet to o $1 / 2$ inch iron rod with a yellow plostic cop stomped "UVC", set in the north line of State Highway No. 66, o ovriabe width right-of-woy, for the common southeost corner of soid Mike
Heoples tract recorded in Volume 850 , Page 15 ond southwest corner of soid Michoel L. Peoples trac Peoples tract reorrded in
fecorded in Volume $1881, ~ P o g e 9 e$
151;
THENCE South 89 degrees 38 minutes 42 seconds West, with said north line, a distance of 241.04
 occording to to the
County, Texoss;

for comer,
North 29 degreses 59 minutes 31 seconds West, a distance of 384.58 feet to a 1 -inch red
boundory morker stamped G\&A MCADMMS CO" found for corner;
North 65 dearess 59 minutes 31 seconds West, a distonce of 278.64 feet to a 1 -inch red
boundory morker stamped $G \& A$ MCADAMS CO" found for corner;
South 88 degrees 32 minutes 20 seconds West, a distance of 252.79 feet to a 1 -inch red
boundory morker stamped "GEA MCADAMS CO" found for corner;

THENCE North 01 degress 27 minutes 52 seconds. West, with soid west line, a distance of $1,699.38$
feet to the POINT OF BEGINNNG ond contaning 94.133 acres of land, more or less

SURVEYOR'S CERTIFICATE:
To Mruorce, llc; mike l. peoples; allegiance tite company; and tite resources guaranty
COMPANY:
1, Ryon S. Reynolds, a Registered Professional Lond Surveyor in the Stote of Teras, do hereby certify
that this plot is bosed on on octual on the ground survey mode under my direct supervision ond al corners ore monumented on octuol on the ground survey made under my direct, superevision ond

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. RYAN S. REYNOLDS
REGISTERED PROFESSIONAL LAND SURVEYOR
SURVEYED ON THE GROUND: FEBRUARY 28, 202

## SCHEDULE B NOTES

10e. EASEMENT TO TEXAS POWER \& LIGHT RECORDED IN VOLUME 33 , PAGE 256, DEED RECORDS,
ROCKWALL COUNTY, TEXAS. (DESCRIPTON TOO VAGUE TO LOCATE) 10f. EASEMENT TO TEXAS POWER \& LIGHT RECORDED IN VOLUME 33, PAGE 267, DEED RECORDS,
ROCKWALL COUNTY, TEXAS. (DESCRIPTON TOO VAGUE TO LOCATE) 10g. EASEMENT, TO TEXAS POWER \& LIGHT RECORDED IN VOLUME 33 , PAGE 268, DEED RECORDS
ROCKWALL COUNTY, TEXAS. (DESCRIPTION TOO VAGUE TO LOCATE) 10h. EASEMENT TO TEXAS POWER \& LIGHT RECORDED $\mathbb{N}$ VOLUME 40, PAGE 193, DEED RECORDS,
ROCKWALL COUNTY, TEXAS. (DESCRIPTION TOO VAGUE TO LOCATE) 10i. EASEMENT TO STATE OF TEXAS RECORDED in volume 45, PAGE 266, deEd reCords, rockwall 10i. EASEMENT TO STATE OF TEXAS RECO
COUNTT, TEXAS. (AS SHOWN ON SURVEY)
10j EASEMENT TO STATE OF TEXAS RECORDED IN VOLUME 46, PAGE 249, DEED RECORDS, ROCKWALL
COUNTY, TEXAS. (AS SHOWN ON SURVEY) 10k. EASEMENT TO NORTH TEXAS MUNCIPAL WATER DISTRICT RECORDED IN VOLUME 54, PAGE 199 ,
DEED RECORSS, ROCKWALL COUNTY, TEXAS. (DESCRIPTION TOO VAGUE TO LOCATE) 101. EASEMENT TO NORTH TEXAS MUNCIPAL WATER DISTRICT RECORDDD IN VVLUME 54, PAGE 394
DEED RECOROS, ROCKWALL COUNTY, TEXASA. (DESCRPTION TOO VAGUE TO LOCATE) 10 m . EASEMENT TO CITY OF ROCKWALL RECORDED IN DOCUMENT NO. 2019-4112, DEED RECORDS,
ROCKWALL COUNTY, TEXAS. (AS SHOWN ON SURVEY)

## PRELIMINARY PLAT

## VALLIS GREENE

оTs 1-25, вLOCK A; LOTS 1-21, вLоск в; OOTS 1-24, BLOCK C; LOTS 1-16, BLOCK D; , LOTS 1-18, BLOCK I
94.133 ACRES OR 4,100,433.48 SQ. FT.

182 SINGLE FAMILY LOTS AN
6 OPEN SPACE LOTS
SITUATED WITHIN A PORTION OF TRACT 25-1 \& 26 AND ALL OF TRACT $13 \& 25$ OF THE WILLIAM DALTON SURVEY, ABSTRACT NO. 72 AND TRACT 4 \& 4-01 OF THE
m.b. Jones surver, abstract no. 122

CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS P2022-015

May 2, 2022
SHEET 2 OF 2

Owner/Applicant:
Micheal Joyce Properties
3767 Justin Road
Rockwall, Texas 75087
Phone: $512-965-6280$
ohnson Volk Consulting, Incer
704 Central Parkway East, Suite. 1200 Plano, Texas 75074 Contact: Joel Richey, PE











$\qquad$ $\overline{\text { FM } 1141 \text { ROAD. }}$

Minment ten (i) Foot Landscape buffer provided


TREE MITIGATION
${ }_{88}$ Cal inches removed


| PLANT LIST |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| KEY | ESTIMATED QUANTITY | COMMON NAME | SCIENTIFIC NAME | SIzE | SPACING | REMARKS |
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| so | ${ }^{26}$ | uмakr оак | Qubrcus shunardir | $4{ }^{\text {4 Cailiper }}$ | asshown |  |
| во | ${ }^{24}$ | bur oak | Qubrcus macrocarp | $4{ }^{4}$ Caliper | As shown |  |
| ${ }^{\text {cв }}$ | 25 | CEDA | uinus crassfoula | $4{ }^{4}$ Caliper | asshown |  |
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| кв | 12 | texas repbud |  | $2^{\text {2 Caliper }}$ | asshown |  |$\frac{\text { TYPICAL }}{\text { SECTION }}$

## GENERAL LANDSCAPE NOTES

## inspections:





$\frac{\text { LANDSCAPE STANDARDS }}{1.2}$







$\frac{\text { IRRIGATION STANDARDS }}{1.2}$











 $\frac{\text { TREE PROTECTION NOTES: }}{\text { CONTACTDEVLIONTENT SRI }}$





















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MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Ryan Miller, Director of Planning and Zoning |
| DATE: | May 16, 2022 |
| SUBJECT: | P2022-016; MASTER PLAT FOR THE VALLIS GREENE SUBDIVISION |

Attachments<br>Case Memo<br>Development Application<br>Location Map<br>Applicant's Letter<br>Open Space Master Plan<br>Concept Plan<br>Summary/Background Information<br>Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a Master Plat for the Vallis Greene Subdivision consisting of 182 single-family residential lots on a 93.97-acre tract of land identified as Tract $4 \& 4-01$ of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract $25-1 \& 26$ and all of Tract $13 \& 25$ of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH-66, and take any action necessary.

Action Needed
The City Council is being asked to approve, approve with conditions, or deny the proposed Master Plat.

TO:
DATE:
APPLICANT:
CASE NUMBER:

Mayor and City Council
May 16, 2022
Ryan Joyce; Michael Joyce Properties
P2022-016; Master Plat for the Vallis Greene Subdivision


#### Abstract

SUMMARY Consider a request by Ryan Joyce on Michael Joyce Properties on behalf of Mike Peoples for the approval of a Master Plat for the Vallis Greene Subdivision consisting of 182 single-family residential lots on a 93.97 -acre tract of land identified as Tract 4 \& 4-01 of the M. B. Jones Survey, Abstract No. 122 and a portion of Tract 25-1 \& 26 and all of Tract 13 \& 25 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses, situated within the SH-66 Overlay (SH-66 OV) District, addressed as 1936 SH66 , and take any action necessary.


## PLAT INFORMATION

$\square$ The applicant is requesting the approval of a Master Plat for the Vallis Greene Subdivision. The Vallis Greene Subdivision will be a one (1) phase, master planned community that will consist of 182 single-family residential lots on a 93.97 -acre tract of land. The Master Plat indicates the location of the trails, canopy trees within the open space, and the amenities proposed for the public park. It should be noted that the applicant has also submitted a Preliminary Plat [i.e. Case No. P2022-016] concurrently with this Master Plat.

च The subject property was annexed on March 16, 1998 by Ordinance No. $98-10$ [Case No. A1998-001]. At the time of annexation, the subject property was zoned Agricultural (AG) District. According to the Rockwall Central Appraisal District (RCAD), currently situated on the subject property is: [1] a 2,500 SF single-family home constructed in 1958, [2] a ~1,856 SF covered porch constructed in 1958, [3] a 400 SF storage building constructed in 1900, and [4] a 96 SF storage building with a 240 SF covered canopy constructed in 2007. On April 18, 2022, the City Council approved a zoning change [Case No. Z2022-010; Ordinance No. 22-22] for the subject property from Agricultural (AG) District to Planned Development District 93 (PD-93) for Single-Family 10 (SF-10) District land uses.

च On May 3, 2022, the Parks and Recreation Board reviewed the Master Plat and made the following recommendations concerning the proposed subdivision.
(1) The property owner shall pay pro-rata equipment fees of $\$ 105,014.00$ (i.e. $\$ 577.00 \times 182$ Lots) and the cash-inlieu of land fees of $\$ 110,838.00$ (i.e. $\$ 609.00 \times 182$ Lots) to provide amenity to the four (4) acre tract of land (i.e. Tract 13-01 of the W. M. Dalton Survey, Abstract No. 72) in accordance with Ordinance No. 22-22 (i.e. Planned Development District 93 [PD-93]).
(2) The property owner shall provide receipts to the Director of Parks and Recreation showing that the amenities provided are equal to or greater than the fees assessed.
$\square$ The surveyor has completed the majority of the technical revisions requested by staff, and this plat -- conforming to the requirements for master plats as stipulated by the Chapter 38, Subdivisions, of the Municipal Code of Ordinances -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
$\square$ Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the Conditions of Approval section below.

च With the exception of the items listed in the Conditions of Approval section of this case memo, this plat is in substantial compliance with the requirements of Chapter 38, Subdivisions, of the Municipal Code of Ordinances.

## CONDITIONS OF APPROVAL

If the City Council chooses to approve the Master Plat for the Vallis Greene Subdivision, staff would propose the following conditions of approval:
(1) All technical comments from the Engineering, Planning and Fire Departments shall be addressed prior to the filing of this plat;
(2) The development shall adhere to the recommendations of the Parks and Recreation Board; and,
(3) Any construction resulting from the approval of this Master Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## PLANNING AND ZONING COMMISSION

On May 10, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the master plat by a vote of $6-0$, with Commissioner Womble absent.

# DEVELOPMENT APPLICATION 

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

## STAFF USE ONLY

PLANNING \& ZONING CASE NO. P2022-016
NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTLL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.
DIRECTOR OF PLANNING:
CITY ENGINEER:
PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLYONE BOX]:

## PLATTING APPLICATION FEES:

. ${ }^{6}$ MASTER PLAT $(\$ 100.00+\$ 15.00 \text { ACRE })^{1}$
$\square$ PRELIMINARY PLAT $(\$ 200.00+\$ 15.00 \text { ACRE })^{1}$
$\square$ FINAL PLAT $(\$ 300.00+\$ 20.00 \text { ACRE })^{1}$
$\square$ REPLAT $(\$ 300.00+\$ 20.00 \text { ACRE })^{1}$
$\square$ AMENDING OR MINOR PLAT (\$150.00)
$\square$ PLAT REINSTATEMENT REQUEST $(\$ 100.00)$
SITE PLAN APPLICATION FEES:
$\square$ SITE PLAN $(\$ 250.00+\$ 20.00 \text { ACRE })^{1}$
$\square$ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

## ZONING APPLICATION FEES:

$\square$ ZONING CHANGE $(\$ 200.00+\$ 15.00 \text { ACRE })^{1}$
$\square$ SPECIFIC USE PERMIT $(\$ 200.00+\$ 15.00 \text { ACRE })^{182}$
$\square$ PD DEVELOPMENT PLANS $(\$ 200.00+\$ 15.00 \text { A¢RE })^{1}$
OTHER APPLICATION FEES:
$\square$ TREE REMOVAL ( $\$ 75.00$ )
VARIANCE REQUEST/SPECIAL EXCEPTIONS $(\$ 100.00)^{2}$

## NOTES:

$\because$ IN DETERMINNG THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, RQUND UP TO ONE (1) ACRE. 2. A S1,000.00 FEE WLL BE ADDED TO THE APPLCATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WTHOUT OR NOT IN COMPLIANCE TQ AN APPROVED BULLDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]
ADDRESS 1649 Fm 1141 , Rockwall ix 75087
generallocation Approx. 1250 fect east of intersection John King Fmily Sim the of Fmily|
ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]
CURRENT ZONING Agnicaltural CURRENT USE Agificiltural
proposedzoning Planned Develyament Distric tproposed use aCREAGE 94.13 Acres LOTS [CURRENT] 1 LOTS[PROPOSED] 182
$\square$ SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.
OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACTIORIGINAL SIGNATURES ARE REQUIRED]

$\square$ APPLICANT
CONTACT PERSON
ADDRESS

CITY, STATE \& ZIP
 TO COVER THE COST OF THIS APP ICATION HAS BEFN PAID TO THE CITY OF ROCKWALL $\qquad$ DEE OF INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED ROCKWALL (I.E. "CITY') IS AUTHORIZED AND PERMITTED TO PROVIDE SUBMITED IN CONJUNCTION WITH THIS APPLICATION IF SUCH REPRODUCTION IS ASSOCIATED ORIN RESPONSE TO A REQUEST ERR LUUCLILRELTV
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE DAYOF A PRi/ 2022
OWNER'S SIGNATURE
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS


$\qquad$


City of Rockwall
Planning \& Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

April 26, 2022

Mr. Henry Lee
City of Rockwall - Planning Dept.
385 S. Goliad Street
Rockwall, Texas 75087

Re: Vallis Greene - Development Phasing

Dear Mr. Lee:
This letter is to inform you that the referenced development will be constructed in one (1) phase. Please let me know if you require anything further.

Sincerely,

Tom Dayton, PE
Vice President



## MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Ryan Miller, Director of Planning and Zoning |
| DATE: | May 16, 2022 |
| SUBJECT: | P2022-017; FINAL PLAT FOR WINDING CREEK SUBDIVISION |

Attachments
Case Memo
Development Application
Location Map
Final Plat
Summary/Background Information
Consider a request by Humberto Johnson, Jr. of the Skorburg Co. on behalf of John Arnold of Falcon Place SF, LTD for the approval of a Final Plat for the Winding Creek Subdivision consisting of 132 single-family residential lots on a 78.831 -acre tract of land identified as Tracts 17, 17-01, 22, 22-04 \& 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses, generally located at the southeast corner of the intersection of FM1141 and Clem Road, and take any action necessary.

Action Needed
The City Council is being asked to approve, approve with conditions, or deny the proposed Final Plat.

TO:
DATE:
APPLICANT:
CASE NUMBER:

Mayor and City Council
May 16, 2022
Humberto Johnson, Jr., Skorburg Co.
P2022-017; Final Plat for Winding Creek Subdivision


#### Abstract

SUMMARY Consider a request by Humberto Johnson, Jr. of the Skorburg Co. on behalf of John Arnold of Falcon Place SF, LTD for the approval of a Final Plat for the Winding Creek Subdivision consisting of 132 single-family residential lots on a 78.831 -acre tract of land identified as Tracts 17, 17-01, 22, 22-04 \& 22-05 of the W. M. Dalton Survey, Abstract No. 72, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses, generally located at the southeast corner of the intersection of FM-1141 and Clem Road, and take any action necessary.


## PLAT INFORMATION

$\checkmark$ The applicant is requesting the approval of a Final Plat for a 78.831 -acre parcel of land (i.e. Tracts 17, 17-01, 22, 22-04 \& 22-05 of the W. M. Dalton Survey, Abstract No. 72) for the purpose of establishing the Winding Creek Subdivision. The single-family residential subdivision will consist of 132 single-family homes that are zoned Planned Development District 91 (PD-91) for Single-Family 16 (SF-16) District land uses. The site is generally located at the southeast corner of the intersection of FM-1141 and Clem Road. It should be noted that the applicant has submitted a site plan (i.e. Case No. SP2022-015) concurrently with this final plat that shows the proposed amenities, landscaping, and hardscape plans for the subdivision.

च On January 18, 2011, the City Council annexed the subject property by adopting Ordinance No. 11-03 [Case No. A2010002]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On April 5, 2021, the City Council approved a request to rezone [Case No. Z2021-005] the subject property from an Agricultural (AG) District to Planned Development District 91 (PD-91) [Ordinance No. 21-17] for Single-Family 16 (SF-16) District land uses. On June 21, 2021, the City Council approved a preliminary plat [Case No. P2021-026] for a 38.012-acre portion of the subject property. On August 2, 2021, the City Council approved an amendment to Planned Development District 91 (PD-91) [Case No. Z2021027; Ordinance No. 21-36] increasing the area of the Planned Development District to 58.842-acres. This ordinance also increased the overall lot count from 56 to 98 lots. On October 18, 2021, the City Council approved a request to again amend Planned Development District 91 (PD-91) [Case No. Z2021-036; Ordinance No. 21-49] to incorporate an additional 20.00acres into the Planned Development District and increase the lot count to 132 lots. On December 6, 2021, the City Council approved a Preliminary Plat [Case No. P2021-051] and Master Plat [Case No. P2021-052] for the Winding Creek Subdivision. On February 15, 2022, the Planning and Zoning Commission approved a Tree Mitigation Plan [Case No. MIS2022-003] showing how the tree mitigation balance will be satisfied for the Winding Creek Subdivision.

च On May 3, 2022, the Parks and Recreation Board reviewed the Final Plat and made the following recommendations concerning the proposed subdivision:
(1) The property owner shall pay pro-rata equipment fees of $\$ 76,164.00$ (i.e. $\$ 577.00 \times 132$ Lots), which will be due prior to the issuance of a building permit.
(2) The property owner shall pay cash-in-lieu of land fees of $\$ 80,388.00$ (i.e. $\$ 609.00 \times 132$ Lots), which will be due prior to the issuance of a building permit.

च The surveyor has completed the majority of the technical revisions requested by staff, and this Final Plat -- conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.

च Conditional approval of this Final Plat by the City Council shall constitute approval subject to the conditions stipulated in the Conditions of Approval section below.

च With the exception of the items listed in the Conditions of Approval section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

## CONDITIONS OF APPROVAL

If the City Council chooses to approve the Final Plat for the Winding Subdivision, staff would propose the following conditions of approval:
(1) All technical comments from City Staff (i.e. Engineering, Planning and Fire Department) shall be addressed prior to submittal of civil engineering plans;
(2) The development of the subject property shall adhere to the recommendations made by Parks and Recreation Board; and,
(3) Any construction resulting from the approval of this Final Plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## PLANNING AND ZONING COMMISSION

On May 10, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the final plat by a vote of $6-0$, with Commissioner Womble absent.

# DEVELOPMENT APPLICATION 

City of Rockwall
Planning and Zoning Department 385 S. Goliad Street
Rockwall, Texas 75087
NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.
DIRECTOR OF PLANNING:
CITY ENGINEER:


OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]



City of Rockwall

Planning \& Zoning Department
385 S. Goliad Street Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

0


owner's certificate
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS
STAT FOT TXAS
COUNTY
COUNTY OF FXASAS
We the undersichall



We understand and do hereby reserve the easement strips shown on this plat for the purposes
stoted ond for the mutuolse and accommodotion of oll utilities desiring to use or using same. We
also understand the following

1. No buildings shall be constructed or placed upon, over, or across the utility easements as
described herein.



2. The City of Rockwall will not be responsible for ony claims of any nature resulting from or
occasioned by the estoblishment of grode of streets in the subdivision.
3. The developer and subdivision engineer shall bear total responsibility for storm drai
4. The developer shal be responsible for the necessory facilities to provide drainage patterns and
draingege controls such thot rroperties within the droingege area ore not adversely offected by storm
drainoge from the development.
5. The detention and drainage systems are to be mointained, repaired and owned by the HoA subdivision.
Property owner shall
detention easement responsible for maintaining, repairing, ond repplacing oll systems within the drainoge and
6. No house dwelling unit, or other structure shall be constructed on any lot in this addition by the
owner or ony other person until the developer ond or owner hos complied with oll requirements of



 some mode by or controctor such improvements on prevoiiling privacte commererial rotes, or have the



Untit the developer and

 assigns hereby wive onn claim, derengeew or needs of the city; we, our successors ond
dedicotion of exactions made herein.

FALCON PLANCE SF, LTD.

STAE OF TEXAS
COUTY OF DALLAS
Serore me, the undersigned outhority, on this day personally appeared-_


Notary Public in and for the State of Texas
My Commission Expires: $\qquad$ _



## Legal description



 Hubice iot givione:










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SURVEYOR CERTIFCAT
```


 ATED the this $\qquad$ _doy of $\qquad$ , 2022.

## PATRICK J . BALDASA R.P.L.S. No. 5504

$\qquad$
APPROVED
Thereby certify that the obove and foregoing plat of an addition to the City of Rockwoll, Texas, was approved by the
City Council of the city of Rockwall on the
da22. This approval shall be involid unless the opproved plot for such addition is recorded in the office of the Counrt Clerk of
Rockwoll, County, Texos, within one hundred eighty (180) days from soid date of final opproval. WITNESS OUR HANDS, this $\qquad$ day of $\qquad$ 2022.

Mayor, City of Rockwall
City Secretary City Engineer

FINAL PLAT

## WIND ING CREEK <br> SUBD I V I S ION

LOTS 1-53 BLOCK A; LOTS 1-19 BLOCK B LOTS 1-22, BLOCK C; LOTS 1-17, BLOCK LOTS 1-24 BLOCK E
78.831 ACRES ${ }^{\text {BEING }}$
8.831 ACRES or $3,433,878.6$ S

TOTAL RESIDENTIAL LOTS 132
TOTAL OPEN SPACE LOTS 3 BEING
TRACTS 17,17-01, 22, 22-04 \& 22-05
OUT OF THE
W.M. DALTON SURVEY, ABSTRACT NO. 72

CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS
APPLICANT/OWNERS
FALCON PLACE SF, LTD.
8214 WESTCHESTER DRIVE, SUITE 710
DALLASSTEXS TEXS 7225
$214-522-4945$
GORDON C. FOGG
GORDON C. FOGG
PO BOX 84286
ROCKWALL, TEXAS 75087
APRIL 2022
-

MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Ryan Miller, Director of Planning and Zoning |
| DATE: | May 16, 2022 |
|  | PUBJECT: |
|  | SUBDIVISION |

## Attachments

Case Memo
Development Application
Location Map
Preliminary Plat
Preliminary Drainage Plan
Preliminary Utility Plan
Summary/Background Information
Consider a request by Heather Cullins on behalf of Shirley Smith of Smith Family Acres, LLC for the approval of a Preliminary Plat for the Smith Family Acres Subdivision consisting of four (4) single-family residential lots on a 44.525-acre tract of land identified as Tract 7-1 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single-Family 10 (SF-10) District land uses, generally located on the west side of John King Boulevard north of the intersection of John King Boulevard and FM-552, and take any action necessary.

Action Needed
The City Council is being asked to approve, approve with conditions, or deny the proposed Preliminary Plat.

TO:
DATE:
APPLICANT:
CASE NUMBER:

Mayor and City Council
May 16, 2022
Heather Cullins
P2022-020; Preliminary Plat for Smith Family Acres Subdivision

## SUMMARY

Consider a request by Heather Cullins on behalf of Shirley Smith of Smith Family Acres, LLC for the approval of a Preliminary Plat for the Smith Family Acres Subdivision consisting of four (4) single-family residential lots on a 44.525 -acre tract of land identified as Tract 7-1 of the J. Strickland Survey, Abstract No. 187, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 74 (PD-74) for Single-Family 10 (SF-10) District land uses, generally located on the west side of John King Boulevard north of the intersection of John King Boulevard and FM-552, and take any action necessary.

## PLAT INFORMATION

$\square$ The purpose of the applicant's request is to Preliminary Plat a 44.525-acre parcel of land (i.e. Tract 7-1 of the J. Strickland Survey, Abstract No. 187) to show the future establishment of four (4) single-family lots (i.e. Lots 1-4, Block A, Smith Family Acres Subdivision). The proposed Preliminary Plat lays out the necessary easements (e.g. fire lane, public access/right-of-way, utilities, and drainage) for the future development of the subdivision.

च The subject property was annexed on February 4, 2008 by Ordinance No. 08-12 [Case No. A2004-003]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On April 20, 2009, the City Council approved Ordinance 09-19 [Case No. Z2009-005] that rezoned the subject property from Agricultural (AG) District to Planned Development District 74 (PD-74) for Single-Family 10 (SF-10) District land uses. The City Council superseded Ordinance 09-19 four (4) times with Ordinance No.'s 12-26, 14-26, 16-59, \& 17-60 [Case No.'s Z2012-013, Z2014-017, Z2016-032, \& Z2017-049]. Despite the changes made to Planned Development District 74 (PD-74), the subject property remains zoned for Single-Family 10 (SF-10) land uses and is currently unplatted.

च On May 3, 2022, the Parks and Recreation Board reviewed the Preliminary Plat and made the following recommendations concerning the proposed subdivision:
(1) The property owner shall pay pro-rata equipment fees of $\$ 1,728.00$ (i.e. $\$ 432.00 \times 4$ Lots), which will be due prior to the issuance of a building permit.
(2) The property owner shall pay cash-in-lieu of land fees of $\$ 1,824.00$ (i.e. $\$ 456.00 \times 4$ Lots), which will be due prior to the issuance of a building permit.
$\square$ The surveyor has completed the majority of the technical revisions requested by staff, and this Preliminary Plat -conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.
$\square$ Conditional approval of this plat by the City Council shall constitute approval subject to the conditions stipulated in the Conditions of Approval section below.
$\square$ With the exception of the items listed in the Conditions of Approval section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

## CONDITIONS OF APPROVAL

If the City Council chooses to approve the Preliminary Plat for the Smith Family Acres Subdivision, staff would propose the following conditions of approval:
(1) All technical comments from City Staff (i.e. Engineering, Planning and Fire Department) shall be addressed prior to submittal of civil engineering plans; and,
(2) The development shall adhere to the recommendations made by Parks and Recreation Board; and,
(3) Any construction resulting from the approval of this plat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## PLANNING AND ZONING COMMISSION

On May 10, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the preliminary plat by a vote of $6-0$, with Commissioner Womble absent.

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.
DIRECTOR OF PLANNING:
CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

## PLATTING APPLICATION FEES:

$\square$ MASTER PLAT ( $\$ 100.00+\$ 15.00$ ACRE)
PRELIMINARY PLAT ( $\$ 200.00+\$ 15.00$ ACRE) ${ }^{1}$
$\square$ FINAL PLAT $(\$ 300.00+\$ 20.00$ ACRE)
$\square$ REPLAT $\left(\$ 300.00+\$ 20.00\right.$ ACRE) ${ }^{1}$
$\square$ AMENDING OR MINOR PLAT (\$150.00)
$\square$ PLAT REINSTATEMENT REQUEST (\$100.00)
SITE PLAN APPLICATION FEES:
$\square$ SITE PLAN $(\$ 250.00+\$ 20.00$ ACRE)
$\square$ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN $(\$ 100.00)$

## ZONING APPLICATION FEES:

$\square$ ZONING CHANGE ( $\$ 200.00+\$ 15.00$ ACRE)
$\square$ SPECIFIC USE PERMIT ( $\$ 200.00+\$ 15.00$ ACRE) $)^{1 \& 2}$
$\square$ PD DEVELOPMENT PLANS $(\$ 200.00+\$ 15.00$ ACRE)

## OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
$\square$ VARIANCE REQUEST/SPECIAL EXCEPTIONS $(\$ 100.00)^{2}$


## NOTES:

: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE. ${ }_{2}:$ A $\$ 1,000.00$ FEE WILL BE ADDED TO THE APPLCATION FEE FOR ANY REQUEST THAT involves construction without Or Not in compliance To an approved bulling PERMIT.

## PROPERTY INFORMATION [PLEASE PRINT]


general location John King Blvd - across from Breezy Hill
ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Currentzoning pD 50
proposed zoning sF E
ACREAGE 44.52

CURRENT USE
$A G$
PROPOSED USE SHE

LOTS [CURRENT]
SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBLITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

## OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINTICHECK THE PRIMARY CONTACTIORIGINaL SIGNatures ARE REQUIRED]

owner Smith Family Acres, Le a applicant contact person shirley Smith contact person address 800 Eagle Pass

CITY, stateqzip Heath, T义 75032
PHONE 214-244-4336
E-MALL shirley/smith25@yahoo.com
address
Heather Culling

## NOTARY VERIFICATION [rEQuired]

 BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOwING:


City of Rockwall

Planning \& Zoning Department
385 S. Goliad Street Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

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DRRELMMAERY
BREEZY HILL ESTATES
LOTS 1-4, BLOCK A
BEING 44.525 ACRES
J. STRICKLAND SURVEY, ABSTRACT No. 187

CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS
SMITH FAMILY ACRES, LLC.

CORWIN ERERGINEERING, INC.

APRLL 2022 SCALE $1 "=100$
SHEET 2 OF 2 CASE $\boldsymbol{P}$ P2022-XXX



## MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Ryan Miller, Director of Planning and Zoning |
| DATE: | May 16, 2022 |
| SUBJECT: | P2022-018; REPLAT FOR LOTS $1 \& 2$, BLOCK A, NORTH ALAMO |

Attachments
Case Memo
Development Application
Location Map
Replat
Summary/Background Information
Consider a request by Brian Jones for the approval of a Replat for Lots 1 \& 2, Block A, North Alamo Addition being a 2.1325-acre tract of land identified as Block 15, 15B, 15C \& 16 of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as $401,405,501 \& 503$ N. Alamo Road, and take any action necessary.

Action Needed
The City Council is being asked to approve, approve with conditions, or deny the proposed Replat.

TO:
DATE:
APPLICANT:
CASE NUMBER:

Mayor and City Council
May 16, 2022
Brian Jones
P2022-018; Replat for Lots 1 \& 2, Block A, North Alamo Addition

## SUMMARY

Consider a request by Brian Jones for the approval of a Replat for Lots 1 \& 2, Block A, North Alamo Addition being a 2.1325acre tract of land identified as Block 15, 15B, \& 15C of the Amick Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District, addressed as 401, 405, 501 \& 503 N . Alamo Road, and take any action necessary.

## PLAT INFORMATION

$\square$ The applicant is requesting the approval of a Replat for a 1.948 -acre tract of land (i.e. Block 15 and 15B, Amick Addition) for the purpose of subdividing the subject property into two (2) lots (i.e. Lots $1 \& 2$, Block A, North Alamo Addition).
$\square$ The subject property was annexed prior to 1934 based on the April 1934 Sanborn Maps. According to the January 3, 1972 zoning map, the subject property was zoned General Retail (GR) District. The zoning designation of the subject property changed from a General Retail (GR) District to a Single-Family 10 (SF-10) District sometime between January 3, 1972 and May 16, 1983 based on the City's historic zoning maps. The subject property has remained zoned Single-Family 10 (SF10) District since this change.
$\square$ The surveyor has completed the majority of the technical revisions requested by staff, and this Replat -- conforming to the requirements for plats as stipulated by the Subdivision Ordinance in the Municipal Code of Ordinances -- is recommended for conditional approval pending the completion of final technical modifications and submittal requirements.

V Conditional approval of this Replat by the City Council shall constitute approval subject to the conditions stipulated in the Conditions of Approval section below.

V With the exception of the items listed in the Conditions of Approval section of this case memo, this plat is in substantial compliance with the requirements of the Subdivision Ordinance in the Municipal Code of Ordinances.

## CONDITIONS OF APPROVAL

If City Council chooses to recommend approval of a Replat for Lots 1 \& 2, Block A, North Alamo Addition, staff would propose the following conditions of approval:
(1) All technical comments from City Staff (i.e. Engineering, Planning and Fire Department) shall be addressed prior to submittal of civil engineering plans;
(2) Any construction resulting from the approval of this Replat shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## PLANNING AND ZONING COMMISSION

On May 10, 2022, The Planning and Zoning Commission approved a motion to recommend approval of the replat with a vote of $6-0$, with commissioner Womble absent.

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTLL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.
DIRECTOR OF PLANNING:
CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:


OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONtACTIORIGINAL sIGNATURES ARE REQUIRED]



City of Rockwall
Planning \& Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
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## MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Kristy Teague, City Secretary / Asst. to the City Manager |
| DATE: | May 16, 2022 |
| SUBJECT: | YAC'S YEAR-END PRESENTATION |

Attachments
Summary/Background Information
Members of the City's Youth Advisory Council (YAC) will be present Monday evening to brief Council on the various activities in which they have participated this school year. The YAC members will appreciate Mayor Fowler excusing them from the meeting once they finish speaking.

Action Needed
N/A

## CONCESSION AGREEMENT

This Concession Agreement ("Agreement") is made between the City of Rockwall, Texas, a municipal corporation and a political subdivision of the State of Texas (the "City") and Harbor Bay Marina Corporation, a Texas corporation ("Concessionaire").

## Recitals

A. The City of Dallas is the owner of an approximately 22,745-acre reservoir located in Dallas, Kaufman, Collin and Rockwall Counties and commonly known as Lake Ray Hubbard (the "Lake");
B. The City of Dallas entered into a Concession Agreement dated May 25, 1970, with Lakeside Marina, Inc., relating to the development and operation of a public marina at Site E on Lake Ray Hubbard.
C. The City of Dallas assigned its interest as landlord in the Concession Agreement to the City by an assignment dated November 13, 1972, and Lakeside Marina, Inc. subsequently assigned its interest in the Concession Agreement to other concessionaires.
D. The City and Waterside Corporation entered into a twenty (20) year Concession Agreement related to the development and operation of the marina at Site $E$ at Lake Ray Hubbard on December 1, 1987.
E. The City and Waterside Corporation on January 24, 2002 approved the Second Amendment to the Concession Agreement where the parties approved the assignment of the Concession Agreement from Waterside Corporation to Harbor Bay Marina Corporation , extended the Concession Agreement until December 31, 2021, and required additional improvements by Concessionaire.
F. The City and Harbor Bay Marina Corporation agreed to extend the expiration of the Concession Agreement from December 31, 2021 to June 30, 2022, to allow for the development of this new long-term Agreement.

## Agreement

1. Grant. The City grants to Concessionaire, and Concessionaire accepts from the City, the license, right and privilege to operate on the terms and conditions set forth herein a marina complex at Site E on Lake Ray Hubbard (the "Premises"), more particularly described on Exhibit A attached hereto, and lets and demises the Premises to Concessionaire for such use.
2. Term. The term of this Agreement shall commence on the date the Agreement is fully executed, as evidenced on the signature page hereof, and shall continue until the end of the month following twenty-five (25) years after such commencement date, unless sooner terminated pursuant to Section 10 of this Agreement. A twenty-five (25) year term is being provided on the condition that Concessionaire completes the improvements outlined in Section 8, Five-Year Improvement Plan.

## 3. Fee.

(a) In consideration of the Concessionaire's rights and interests granted in Section 1 above, Concessionaire shall pay the City the sum of two hundred ( $\$ 200.00$ ) per month for the first year of this Agreement, and one thousand dollars ( $\$ 1,000.00$ ) per month thereafter for each month during the remaining term or, if greater, the sum of the following amounts:
(i) 2\% of the gross receipts of Concessionaire from sales of boats and boat accessories made within the limits of the Premises during each month; and
(ii) $4.75 \%$ of the gross receipts of Concessionaire from all other business operations conducted within the limits of the Premises during each month.
(b) As used herein, the term "gross receipts" means the actual cash amount received and earned on an accrual basis by Concessionaire from the sale of merchandise, rendition of services or the conduct of other business by Concessionaire within the limits of the Premises, but excluding the following:
(i) any sums collected for any sales or excise tax imposed by any governmental authority;
(ii) freight charges;
(iii) the amount of returns to shippers or manufacturers; and
(iv) receipts from sales of Concessionaire's fixtures or other property not held for sale in the ordinary course of Concessionaire's business.

The fee payable with respect to installment or credit sales shall be computed and paid upon the collection by Concessionaire of the payment therefor. If a fee has been computed and paid upon the sale of merchandise which is subsequently returned by the purchaser and accepted by Concessionaire, the gross receipts for the month in which such return was made shall be reduced by the amount of any cash or credit refund made by Concessionaire upon such return.
(c) Boat sales, new and used, made by Concessionaire shall be deemed to have been conducted within the limits of the Premises irrespective of the place where negotiations related to such sale occurred so that the fee set
forth above is payable upon its sale of boats and boat accessories in accordance with such provisions. In computing such fee, the $2 \%$ rate shall include Concessionaire's receipts for painting, striping or other maintenance and repair services sold by Concessionaire within the limits of the Premises, if any.
(d) The fee shall be payable monthly not later than the $20^{\text {th }}$ day of each calendar month based upon the gross receipts for the preceding month. If the fee is not paid by the $30^{\text {th }}$ day of each calendar month, a penalty of $10 \%$ of the overdue amount shall be added to the payment when made.
(e) Concessionaire shall keep accurate records of all gross receipts upon which the fee is paid and, with each monthly fee payment, Concessionaire shall deliver to the City a statement of the gross receipts upon which such payment is calculated. All such records shall be retained for at least three (3) years after the end of the period to which they relate and shall be subject to inspection and audit by the City and its agents at all reasonable times. The private books and records of the Concessionaire, insurance certifications, accident records, financial, tax and related records shall be open at any reasonable time for inspection and audit by the City Manager, or any official designated by the City Manager, or any professionally trained accountant/auditor. Concessionaire may deem and mark certain materials as proprietary and confidential which may still be viewed by City representatives, but not disclosed to the general public unless a Texas Attorney General Ruling or court of competent jurisdiction so orders such a public release.
(f) If Concessionaire is late on three (3) occasions during a 12 -month period or fails to make a monthly payment per Section 3 (d) of this Agreement, Concessionaire shall be required to obtain and maintain through the remainder of the term hereof a letter of credit in the amount of $\$ 25,000.00$ issued by a financial institution or corporate surety authorized to do business in the State of Texas and which guarantees the payment of all amounts due hereunder from Concessionaire. At the beginning of each five -year interval during the term hereof, the amount of the letter of credit shall be increased (but not decreased) to an amount equal to three (3) months of the highest monthly fee paid by Concessionaire during the preceding twelve -month period, rounded upward to the nearest thousand. The letter of credit shall be in form reasonably acceptable to the City Manager.
(g) Upon the request of either party, but no sooner than five (5) years after the commencement of the Agreement, the parties may review the terms and conditions of this Agreement in light of the existing facts and circumstances and shall in good faith determine whether any mutually acceptable changes to the fees set forth in this Agreement should be made. No change to the fees shall be made unless agreed to by both parties in writing per Section 14.

## 4. Use of Premises

(a) The Premises shall be used by Concessionaire for the sole purpose of operating a public marina with three hundred and forty -six (346) anchorage boat slips and fifty-six (56) boat on trailer storage spaces available for lease. Concessionaire shall have the option to expand to up to seven hundred eighty (780) anchorage boat slips or dry storage boat spaces available for lease, consisting of any combination of anchorage boat slips and/or dry storage boat spaces, so long as the plans for expansion are submitted and approved by the City and the City of Dallas. Prior to any construction, Concessionaire shall submit plans evidencing that the parking requirement set forth in Section 4(b) below is satisfied. In furtherance of such purpose, Concessionaire shall have the power and authority to conduct such activities and perform such acts as are necessary or appropriate to foster the enjoyment and use of the marina for the benefit of the public, including providing by itself or through others with whom it contracts such services and facilities and constructing and installing such improvements on the Premises as may be reasonably necessary or appropriate to carry out such purpose. However, Concessionaire's use of the Premises shall comply with and be subject to all applicable laws and regulations of the City all other governmental authorities, and the City's grant of use and rights to and lease of the Premises hereunder shall not be deemed to restrict any of the City's regulatory powers otherwise applicable to Concessionaire's operations.
(b) In addition to all other covenants of Concessionaire contained herein, Concessionaire agrees that:
(i) Concessionaire shall provide off -street parking to serve patrons of the marina in an amount not less than 152 parking spaces for the existing 346 anchorage boat slips. Concessionaire currently provides an additional 56 boat on trailer storage spaces at the south end of the marina. Any expansion above 346 anchorage boat slips will require additional parking to be developed according to Rockwall UDC parking ratios required at the time of expansion. Moreover, in the event of any expansion above 346 anchorage boat slips, Concessionaire shall ensure that the marina is in compliance with all federal, state and city ordinances, including the International Fire Code related to the operation of the marina, including the Fire Stand Pipe System.
(ii) Concessionaire shall operate the marina during such hours and shall provide such services as are reasonably necessary to adequately serve the demands of the public therefor. Sales of alcoholic beverages are prohibited within the take line of the Premises. Concessionaire shall add lighting and update signage per Section 8 of this Agreement to ensure noise and activities after hours are in compliance with city ordinance standards. During the term of this Agreement, Concessionaire shall keep records of all complaints, police reports and action taken in response to any such complaints. Concessionaire shall use commercially reasonable efforts to respond to such complaints in a timely manner. Such records shall be directed to the Parks and Recreation Director within 24 hours of receiving a
complaint. The Parks and Recreation Director will evaluate the complaint and Concessionaire's response to such complaint. Repeated unresolved complaints as reasonably determined by the Parks and Recreation Director may result in a change in Section 4(b) (ii), including an adjustment in the hours of operation.
(iii) The members of the Lakeside Village HOA will have access during daytime hours to the approximately one-third acre of open space (excluding the swimming pool) located north of the swimming pool on the take-line on the north end of the Premises, as shown on Exhibit B attached hereto.
(iv) Concessionaire shall bear all costs of operating the marina, including but not limited to taxes, utilities, furniture, equipment, facilities, supplies and salaries of Concessionaire's employees and all costs incident thereto.
(v) Concessionaire shall maintain the Premises, and all buildings and other improvements thereon, in good repair and in clean condition. Any anchorage boat slips above 346 must be newly constructed boat slips, and the design thereof must be approved by the City and its governing body.
(vi) The fees and charges set by Concessionaire in connection with all operations at the marina shall be comparable to the fees and charges prevailing at other marinas in the Dallas area. Concessionaire shall inform the City of any adjustments to its schedule of fees and charges.
(vii) Concessionaire shall not permit its agents and employees to reside or sleep on the Premises without permission of the City. Trucks, boats, trailers and other movable equipment shall be stored only in areas designated for such purposes.
(viii) Concessionaire shall not discriminate against any individual on the basis of race, creed, color, national origin, disability or sex if its operations and the marina shall be operated for the benefit of the public. Violation of this provision shall be considered a breach of this Agreement.
(ix) Concessionaire shail comply with all applicable federal, state and municipal laws and regulations regarding the sanitary quality of the water provided by the Lake and shall provide adequate facilities for sanitary control of liquid and solid wastes arising from the operation of the marina. Concessionaire shall take such measures as may reasonably be necessary to keep the Lake reasonably free of floating debris which may result from marina operations. Concessionaire acknowledges that the primary purpose of the Lake is to provide a municipal water supply, and no municipality or other governmental authority shall be liable to Concessionaire for fluctuations of the water level of the Lake, whether such fluctuation is caused by the Lake's use as a water supply or from natural causes.

## 5. Indemnity: Liability Insurance

(a) Concessionaire assumes all risks of loss or injury to property or persons arising from its performance of the services provided herein. Concessionaire
agrees to indemnify and hold harmless the City and the City of Dallas, its agents, officers, and employees from and against any and all suits, actions, legal proceedings, claims, demands, costs, liabilities, losses or expenses (including, but not limited to, reasonable attorneys' fees) arising from Concessionaire's provision of the services provided under this Agreement, except to the extent attributable to or caused by the gross negligence or willful misconduct of the City, City of Dallas or any of their agents, officers or employees. It shall be understood that the City of Dallas is a third party beneficiary of this Agreement and shall have the right to enforce this Indemnity provision. Neither the City, the City of Dallas nor the officers and employees of either of them shall be liable to Concessionaire or any other person for any injury to person or damage to property on or about the Premises arising out of the use of the Premises by Concessionaire and the conduct of its business on the Premises, except to the extent attributable to or caused by the gross negligence or willful misconduct of the City, the City of Dallas or their officers or employees.
(b) Concessionaire shall maintain throughout the term hereof a policy or policies of insurance, at its sole cost and expense, insuring the City, the City of Dallas and Concessionaire against all claims, demands or actions arising out of or in connection with Concessionaire's use or occupancy of the Premises. The limits of such policy or policies shall be in an amount of not less than $\$ 1,000,000$ per person and $\$ 2,000,000$ per occurrence and $\$ 250,000$ property damage. Concessionaire shall furnish the City and the City of Dallas with certificates of such policies and all renewal policies at least thirty (30) days prior to the expiration of the respective policy terms. Failure to maintain the insurance policy or policies in full force and effect throughout the term of this Agreement shall be a breach of this Agreement under Section 9 hereof. Concessionaire shall not operate its service during any periods for which insurance lapses for any reason or if insurance is suspended or revoked.
c) The City reserves the right to review the insurance requirements of this Article during the term of this Agreement and any extension or renewal hereof and to require modification of the insurance coverages required hereunder and their limits when reasonably deemed necessary and prudent by the City based upon changes in statutory law, court decisions, or circumstances surrounding this Agreement, but in no instance will City allow modification whereupon City may incur increased risk. No change to the insurance requirements shall be made unless required to do so by the City's insurance provider.
(d) When there is a cancellation, non-renewal or material change in coverage which is not made pursuant to a request by the City, Concessionaire shall notify the City of such change not less than thirty (30) days prior to the change, if Concessionaire knows of said change in advance, or fifteen (15) days after the change, if the Concessionaire did not know of the change in advance. Such notice must be accompanied by a replacement Certificate of Insurance.
(e) It is agreed that Concessionaire's insurance shall be deemed primary with respect to any insurance carried by the City for liability arising out of operations under this Agreement.


## 6. Damage by Casualty

If the Premises are damaged or destroyed by fire or other casualty and Concessionaire does not elect to terminate this Agreement as hereinafter provided, Concessionaire shall proceed with reasonable diligence and at its sole cost to rebuild and repair the same to the extent of the insurance proceeds received by Concessionaire for such damage. If: (a) the buildings, docks or other improvements on the Premises are destroyed of substantially damaged by a casualty not covered by Concessionaire's insurance; or (b) such improvements shall be so destroyed or damaged that rebuilding or repairs can reasonably be foreseen to exceed 180 days after the date of such casualty; or (c) such casualty occurs during the last year of the term hereof; or (d) the holder of any mortgage, deed of trust or other lien on such improvements or Concessionaire's leasehold interest in the Premises elects pursuant to such mortgage, deed of trust or other lien to require the use of all or part of Concessionaire's insurance proceeds in satisfaction of all or part of the indebtedness secured thereby, then Concessionaire may elect to either terminate this Agreement by notice to the City or to proceed to rebuild and repair the improvements on the Premises. Concessionaire agrees that during any period of reconstruction of the marina, the fees payable to the City under this Agreement shall continue unabated.

## 7. Eminent Domain

If a substantial portion of the improvements on the Premises should be taken for any public or quasi-public use under any governmental law or regulation or by right of eminent domain or by private purchase in lieu thereof, this Agreement shall terminate upon the notice of any such taking. Each party shall be entitled to receive any compensation awarded for its interest in the Premises or the improvements thereon as a result of such proceedings.

## 8. Required Programs of Action

Concessionaire shall, at its sole cost and expense, endeavor to complete the following repairs within the indicated time frames. Note that many of these projects will overlap, depending on materials and weather and may be completed sooner than projected. The total number of dry storage boat spaces / anchorage boat slips allowed is 780; however, any expansion beyond the current 346 anchorage boat slips must be in accordance with Section 4 (b) (i) of this Agreement.
5-year Improvement Plan - projected at $\$ 2,500,000.00$

## Year 1: Completed by the first anniversary of the date of this Agreement:

- Repaint the front of the boathouses, all of the marina store and the fishing house.
- Repaint the upright posts throughout the marina that are not galvanized and individual's dock boxes.
- Replace $10 \%$ of the existing Styrofoam with encapsulated Styrofoam, underwater braces, the walkway fingers in the boathouses that are worn due to rusting and add $2 \times 6$ wood bumpers and rubber bumpers.
- Repair and expand $20 \%$ of the concrete breakwater to prepare for replacing the tire breakwater starting in year 2.
- Repair the North store front walkway, deck, trim and gas dock bumpers.


## Year 2: Completed by the second anniversary of the date of this Agreement:

- Repair or replace worn roofing and paint as needed.
- Start replacement of the roofing screws.
- Start adding opaque plexiglass panels on the roofing for every third boat stall walkway to increase natural light in the boathouses.
- Continue to replace $10 \%$ of the existing Styrofoam with encapsulated Styrofoam, underwater braces, the walkway fingers in the boathouses that are worn due to rusting and add $2 \times 6$ wood bumpers and rubber bumpers.
- Continue to repair and expand the concrete breakwater and to replace $20 \%$ of the tire breakwater.
- Replace necessary light fixtures as needed.
- Repair and/or replace anchor poles as needed on the breakwater and boathouses.


## Year 3: Completed by the third anniversary of the date of this Agreement:

- Continue to repair, repaint or replace roofing.
- Continue to replace the roofing screws.
- Continue adding opaque plexiglass panels on the roofing for every third boat stall walkway to increase natural light in the boathouses.
- Continue to replace $20 \%$ of the existing Styrofoam with encapsulated Styrofoam, underwater braces, the walkway fingers in the boathouses that are worn due to rusting and add $2 \times 6$ wood bumpers and rubber bumpers.
- Continue to repair and expand the concrete breakwater and to replace $20 \%$ of the tire breakwater.
- Replace the wood walkway from the marina store to the fishing building.
- Continue to replace necessary light fixtures as needed.
- Repair and/or replace anchor poles as needed on the breakwater and boathouses.


## Year 4: Completed by the fourth anniversary of the date of this Agreement:

- Continue to repair, repaint or replace worn roofing.
- Continue to replace all the roofing screws.
- Continue adding opaque plexiglass panels on the roofing for every third boat stall walkway to increase natural light in the boathouses.
- Continue to replace $20 \%$ of the existing Styrofoam with encapsulated Styrofoam, underwater braces, the walkway fingers in the boathouses that are worn due to rusting and add $2 \times 6$ wood bumpers and rubber bumpers.
- Continue to repair and expand the concrete breakwater and to replace $20 \%$ of the tire breakwater.
- Continue to replace necessary light fixtures.
- Repair and/or replace anchor poles as needed on the breakwater and boathouses.


## Year 5: Completed by the fifth anniversary of the date of this Agreement:

- Continue to replace $40 \%$ of the existing Styrofoam with encapsulated Styrofoam underwater braces, the walkway fingers in the boathouses that are worn due to rusting and add $2 \times 6$ wood bumpers and rubber bumpers.
- Continue to repair and expand the concrete breakwater and to replace $20 \%$ of the tire breakwater.
- Present a timeline with target dates for a completing the Fire Stand Pipe System identified in the 6-10 year Improvement Plan.


## 6-10 year Improvement Plan

## Years 6-10: Completed by the tenth anniversary of the date of this Agreement:

- Marina shall be in compliance with all federal, state and city ordinances, including the International Fire Code related to the operation of the marina. Fire Stand Pipe System shall be required to be completed during this period unless required to be updated sooner per Section 4 (b) (i).

All work for the 5-year Improvement Plan will be completed on or before the end of the $5^{\text {th }}$ year after the date of this Agreement. All work for the 6-10 year Improvement Plan will be completed on or before the end of the $10^{\text {th }}$ year after the date of this Agreement. If Concessionaire needs additional time to complete the 5 -year Improvement Plan, he shall request additional time in writing at least ninety (90) days before the end of the 5 -year period outlining the reasons for additional time and the requested length of time needed to complete the work. Any additional time granted or denied will be at the City's discretion.

## 9. Default/Remedy

(a) City reserves the right to terminate this Agreement in whole or in part immediately upon the occurrence of any of the following (each, a "Default"):
(i) failure of Concessionaire to pay any amounts due hereunder within thirty (30) days after notice thereof from the City; or
(ii) failure to complete any of the improvements listed in the 5-year Improvement Plan set forth in Section 8 hereof by the designated completion date and within thirty (30) days after notice thereof from the City; provided, however, if more than thirty (30) days are reasonably required to cure, then Concessionaire shall request such additional time from the City to cure as is reasonably necessary. City shall approve the additional time, provided Concessionaire commences such cure within thirty (30) days and diligently pursues such cure to completion within ninety (90) days after original notice; or
(iii) failure to commence the cure of any other breach hereof within thirty (30) days after notice thereof from the City specifying the items or conditions in default and thereafter fails to diligently pursue such cure to completion.
(b) Upon such Default by concessionaire, the City may elect to terminate this Agreement, such termination to be effective thirty (30) days after notice thereof is given to Concessionaire, unless Concessionaire cures such Default within such thirty (30) days, in which event this Agreement shall not terminate.

## 10. Termination

Upon termination of this Agreement, whether due to the expiration of the term thereof, Concessionaire's Default, or for any other reason pursuant to the terms of this Agreement, Concessionaire shall surrender the Premises in good condition and repair, excepting reasonable wear and tear and damage caused by fire or other casualty. Upon such termination, Concessionaire shall have the right to remove all property placed or installed on the Premises by it. Any property of Concessionaire not removed within one hundred eighty (180) days after such termination shall be deemed abandoned and shall become the property of the City.
11. Assignment
(a) Concessionaire shall not assign or transfer this Agreement or any of its rights hereunder without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed. Concessionaire understands that any assignment must be approved by the City's governing body. The City agrees to consent to Concessionaire's granting of a security interest in this Agreement or in the marina facilities if so requested in connection with Concessionaire's obtainment of a loan for marina purposes.
(b) The City shall not assign or transfer this Agreement or any of its rights hereunder without the prior written consent of the City of Dallas.

## 12. Waiver

The failure of a party to enforce any provision of this Agreement shall not constitute a waiver of such party's right to thereafter enforce such provision or to enforce any other provision at any time. The parties hereto specifically agree that any action by the City does not constitue a waiver of the City's sovereign immunity, and the City retains all protections under the laws of the State of Texas.

## 13. Additional Acts

The parties agree to execute such other documents and take such other actions as may be necessary or convenient to evidence or effectuate their agreement as set forth herein. Each signatory hereto agrees not to unreasonably withhold its consent or approval of any act of another signatory hereto where such consent or approval is required by this Agreement. Unless and until Concessionaire is otherwise notified by the City of Dallas, all consents, approvals or other actions required of or permitted to be taken by the City of Dallas shall be effective if given or taken by the Director of Parks and Recreation of the City of Dallas.


## 14. Modification

The terms of this Agreement cannot be modified except by a written instrument duly executed by the City of Rockwall and Concessionaire.
15. Entire Agreement

All prior negotiations and understandings of the parties relating to the subject matter hereof are merged herein. This instrument contains the entire agreement between the parties relating to such subject matter.

## 16. Attorney's Fees

The prevailing party in any suit brought to enforce or interpret this Agreement shall be entitled to recover a reasonable attorney's fee in addition to any other relief awarded.

## 17. Governing Law

This Agreement and the rights and obligations of the parties hereunder shall be governed by and construed and enforced in accordance with the laws of the State of Texas. Venue for any litigation arising directly or indirectly from this Agreement shall be in Rockwall County, Texas.

## 18. Dispute Resolution

Before filing any lawsuit concerning a dispute arising out of or relating to this Agreement or any aspect thereof, except for claims warranting injunctive relief, the disputants must first submit in good faith to mediation. Filing suit on a claim that should be mediated hereunder waives the filer's right to demand mediation, but one party's waiver does not affect another party's right to demand mediation. A defendant does not waive mediation for so long as, within a reasonable time after appearing, the defendant gives written notice to the plaintiff or its counsel of intent to require compliance with this paragraph. Mediation must be conducted in Rockwall, Rockwall County, Texas, unless both parties agree to another location. Mediator fees must be borne equally.


## 19. Notice

Any notice required or permitted to be given shall be in writing and shall be effective when personally delivered or three (3) days after being mailed by certified or registered mail, return receipt requested, to the parties as follows:

If to Concessionaire: Harbor Bay Marina Corporation<br>3701 Windjammer<br>Rockwall, Texas 75087<br>Attention: Jim Rosenberg, President<br>If to the City:<br>If to the City of Dallas:<br>The City of Rockwall<br>385 S Goliad<br>Rockwall, Texas<br>Attention: City Manager<br>Dallas Water Utilities DWU-LRH Reservoir \& Dams City of Dallas<br>405 Long Creek<br>Sunnyvale, Texas 75812

Each of the foregoing parties may change its address for notice by notice in writing to the other parties. Any notice given by the City pursuant to paragraph 9(a) shall be authorized by adoption of a resolution of the City Council and shall state that failure to cure the breach therein described could result in the termination of this Agreement.

## 20. Binding Effect

This Agreement shall be binding upon and shall inure to the benefit of the respective successors and, where permitted pursuant to Section 11, assigns of the parties.
21. Force Majeure

If a party is prevented from performing any obligation hereunder by reason of fire, explosion, strike, labor dispute, casualty, accident, lack of failure of transportation facilities, flood, pandemic, supply chain delays, or any other cause beyond the reasonable control of such party, such party shall be excused from performance hereunder to the extent and for the duration of such prevention.
22. Multiple Counterparts

This Agreement may be executed in several counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument; provided, however, in making proof hereof, it shall be necessary to produce only one copy hereof signed by the party to be charged.

## 23. Severability

If any section, subsection, sentence, clause, phrase, or other portion of this Agreement is, for any reason, declared invalid, in whole or in part, by any court, legislative body, or other authority of competent jurisdiction, such portion will be deemed a separate, distinct, and independent portion. Such declaration will not affect the validity of the remaining portions hereof, which other portions will continue in full force and effect. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision will thereupon return to full force and effect without further action by the City and will thereafter be binding on the Concessionaire and the City.

## 24. Governmental Entity.

The parties acknowledge that the City is a political subdivision of the State of Texas and under the Constitution and laws of the State of Texas, possesses certain rights and privileges, is subject to certain limitations and restrictions, and only has such authority as is granted to it under the Constitution and the laws of the State of Texas. Notwithstanding any provision of this Agreement, nothing in this Agreement is intended to be, nor will it be construed to be, a waiver of the City' s sovereign immunity of the State of Texas or a prospective waiver or restriction of any of the rights, remedies, claims and privileges of the State of Texas.
[Signatures continue on following page.]

## ACKNOWLEDGEMENTS

## STATE OF TEXAS COUNTY OF ROCKWALL CITY OF ROCKWALL

BEFORE ME, a notary public in and for said county and state, personally appeared Jim Rosenberg, President of Harbor Bay Marina Corporation, and acknowledged to me that he executed the within and foregoing document as his free and voluntary act and deed; for the uses and purposes set forth therein.

[SEAL]

## STATE OF TEXAS )

COUNTY OF ROCKWALL ) CITY OF ROCKWALL

BEFORE ME, a notary public in and for said county and state, personally appeared Mary Smith, City Manager of the City of Rockwall, and acknowledged to me that he executed the within and foregoing document as her free and voluntary act and deed, and the free and voluntary act deed of the City of Rockwall, for the uses and purposes set forth therein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ___ day of , 2022.

Notary Public in and for the State of Texas My Commission Expires:
[SEAL

Initials $\qquad$

This Agreement shall be effective as of the last date signed by either party below.
HARBOR BAY MARINA CORPORATION
By: $\frac{\text { Im Rosenberg }}{\substack{\text { im } \\ \text { Title: President } \\ \text { Its Authorized Representative }}}$
Date: $4 / 27 / 22$

## CITY OF ROCKWALL

By:

> Mary Smith
> Title: City Manager Its Authorized Representative

Date: $\qquad$

## ATTEST:

[^1]$\qquad$

## EXHIBIT A

The Premises
(Legal description attached)


## EXHIBIT "A"

## STATE OF TEXAS

COUNTY OF ROCNWALL

BEING a tract or parcel of land situated in the M.J. Barksdale Survey, Abstract No. 11, Rackwall County, Texas, and being more particularly described as follows:

BEGINHING at point on the City of Dallas Take LIne for Lake Ray Hubbard and on the Southwest line of Lakeside VIllage Phase One, an addition to the City of Rockwall; recorded in \$lide A, Page 137, Plat Records, Rockwall County, Texas, soid point bears South $17^{\circ} 40^{\prime} 41^{\prime \prime}$ East a distance of 377.0 feet from City of Dallas concrete montment $\times 7-4$;
FHENCE: South $17^{\circ} 40141^{\prime \prime}$ East with sald Take Line, passing at 192.49 feet the South corner of said Lakesida Village Phase One and the Northwest corner of Lakeside Village No, 5, an addition to the City of Rockwall, recorded in slide B, Page 228, Plat Records, Rockwall County, Texas, and continuing a total distance of 492.59 feet to Clty of Dallas concrete monument $\times 7-3$;
THENCE: South $6^{\circ} 19^{\prime} 37^{13}$ East a distance of 541.33 feet to City of Dallas concrete monument $\times 7-2$;
THENCE: South $5^{\prime \prime} 23^{\prime} 23^{\prime \prime}$ West a distance of 57.00 feet to Clty of Dallas concrete monument $\times 7-1$ and $\times 8-2$;
THENCE: South $44^{*} 30^{\prime} 31^{\prime \prime}$ West adistance of 45.74 feet to a point for a corner:
THENCE: South $58^{\circ} 15^{\prime} 32^{\prime \prime}$ West a distance of 382.71 feet to a point for a corner:
THENCE: South $83^{\circ} 40^{\prime} 23^{\prime \prime}$ West a 01 stance of 951.64 fect to a point for a corner;
THENCE: North $6^{\circ} 19{ }^{\prime} 37^{\prime \prime}$ West a distance of 1273.22 feer to a point for a corner;
TMENCE: North $83^{\circ} 40^{\circ} 23^{\prime \prime}$ East distance of 1247.39 feet to the Point of Beginning and Contalning 37.90 Acres of Land.

## EXHIBIT B

## The Open Space



MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Ryan Miller, Director of Planning and Zoning |
| DATE: | May 16, 2022 |
| SUBJECT: | Z2022-016; ZONING CHANGE FROM SINGLE-FAMILY ESTATE 4.0 (SFE- |

## Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Property Owner Notification Map
Property Owner Notification List
Northeast Residential District
Permitted Use Charts for the Single-Family 1 (SF-1) District
Draft Ordinance

## Summary/Background Information

Hold a public hearing to discuss and consider a request by John and Rita Canavan for the approval of an ordinance for a Zoning Change from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District for a five (5) acre tract of land identified as Lot 5 of the Mustang Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 714 Clem Road, and take any action necessary(1st Reading).

Action Needed
The City Council is being asked to approve, approve with conditions, or deny the proposed Zoning Change.

TO:
DATE:
APPLICANT:
CASE NUMBER:

Mayor and City Council
May 16, 2021
John and Rita Canavan
Z2022-016; Zoning Change from Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District

## SUMMARY

Hold a public hearing to discuss and consider a request by John and Rita Canavan for the approval of a Zoning Change from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District for a five (5) acre tract of land identified as Lot 5 of the Mustang Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 714 Clem Road, and take any action necessary.

## BACKGROUND

The City Council approved Ordinance No. 04-35 annexing the subject property into the City on May 17, 2004 [Case No. A2004002]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On September 4, 2004, the subject property was rezoned [Case No. Z2004-026; Ordinance No. 04-49] from an Agricultural (AG) District to a Single-Family Estate 4.0 (SFE-4.0) District. According to the Rockwall Central Appraisal District (RCAD), currently situated on the subject property is a $\sim 1944$ SF home that constructed in 1960. No changes have occurred on the subject property since it was annexed and rezoned in 2004.

## PURPOSE

On April 14, 2022, the applicants - John and Rita Canavan -- submitted an application requesting to change the zoning of the subject property from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District. The purpose of this request is to accommodate the future subdivision of the subject property.

## ADJACENT LAND USES AND ACCESS

The subject property is addressed as 714 Clem Road. The land uses adjacent to the subject property are as follows:
North: $\quad$ Directly north of the subject property are two (2) lots zoned Single-Family Estate 4.0 (SFE-4.0) District (i.e. Tract 3 [9.09-acres] and 3-01[8.34-acres] of the J. E. Sherwood Survey, Abstract No. 193). North of this is the Watson Estates Subdivision, which is zoned Planned Development District 72 (PD-72) for Single-Family Estate (SFE-4.0) District land uses and consists of three (3) lots on 11.66 acres. Beyond this are two (2), 5.87 -acre tracts of land that are zoned Single-Family Estate 4.0 (SFE-4.0) District (i.e. Tracts 5 and 5-3, of the J. E. Sherwood, Abstract No.193). Beyond this is the Northcrest Estates 2 Addition, which consists of 14 lots on 14.37-acres. North of this are three (3) tracts of land zoned Agriculture (AG) District (i.e. Tracts 1-02[12.125-acres], 1-01 [1.665-acres], and 3 [5.983-acres] of the J. E. Sherwood, Abstract No. 193). North of these properties is North Country Lane, which is identified as an M4U (i.e. major collector, four (4) lane, undivided roadway) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property is Clem Road, which is identified as a R2 (i.e. residential, two [2] lane, undivided roadway) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. South of Clem Road is the Northgate Subdivision, which is zoned Planned Development District 88 (PD-88) and consists of 40 residential lots on 62.45 -acres. Beyond this is the corporate limits of the City of Rockwall followed by
several properties situated within the City's Extraterritorial Jurisdiction (ETJ) with single-family homes situated on them.

East: $\quad$ Directly east of the subject property are three (3), five (5) acre lots zoned Single-Family Estate 4.0 (SFE-4.0) District (i.e. Lots 2-4 of the Mustang Acres Addition). East of this is a 3.044-acre lot zoned Single-Family Estate 1.5 (SFE1.5) District (i.e. Lot 1 of the Mustang Acres Addition). Beyond this is a 1.14-acre lot zoned Single-Family 1 (SF-1) District (i.e. Lot 1, Block A, Blueberry Hill Estate Addition). East of this property is Stodgehill Road, which is identified as a TXDOT 4D (i.e. Texas Department of Transportation, four (4) lane, divided roadway) on the City's Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

West: Directly west of the subject property is a 101.43 -acre tract of land zoned Agricultural (AG) District (i.e. Tract 4 of the J.M. Gass Survey, Abstract No. 88). Beyond this is the corporate limits of the City of Rockwall followed by several properties within the City's Extraterritorial Jurisdiction (ETJ) with single-family homes situated on them.

## CHARACTERISTICS OF THE REQUEST

The applicant is requesting to rezone the five (5) acre parcel of land from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District for the purpose of subdividing the property into two (2) lots and constructing a single-family residential home on a portion of the larger tract. The existing single-family home will be situated on the smaller lot. It should be noted, that if this zoning change is approved, the applicant will be required to subdivide the subject property into two (2) buildable lots that are a minimum of one (1) acre each. It should also be noted, that if the applicant intends on utilizing an On-Site Sewage Facility (OSSF) the lots will be required to be a minimum of 1.50 acres in accordance with Division 5 , On-Site Sewage Facility, of Chapter 44, Utilities, of the Municipal Code of Ordinances.

## CONFORMANCE WITH THE CITY'S CODES

According to Subsection 03.05, Single-Family 1 (SF-1) District, of Article 05, District Development Standards, of the Unified Development Code (UDC), "(t)he Single-Family 1 (SF-1) District is the proper zoning classification for larger, single-family lots that are a minimum of one (1) acre in size... (t)hese lots are typically in the City's hinterland, away from higher density residential developments and non-residential developments; however, they may be used in areas closer to the periphery of the City's developed areas, where they will serve as a logical transition to an estate or rural area." In this case, the majority of the properties adjacent to Clem are zoned Agricultural (AG) District, Single-Family Estate 4.0 (SFE-4.0) District, and Single-Family Estate 1.5 (SFE-1.5) District. Staff should point out that there is also one (1) property east of the subject property that is zoned Single-Family 1 (SF-1) District. In addition, south of the property, is a Planned Development District (i.e. PD-88) that allows for Single-Family 1 (SF-1) District land uses. Based on this, the requested zoning change does appear to conform to the surrounding area. If the applicant's zoning request is approved, the subject property will be required to conform to all of the requirements stipulated for properties in a Single-Family 1 (SF-1) District, which are summarized as follows:

TABLE 1: SINGLE-FAMILY ESTATE 1.5 (SFE-1.5) DISTRICT DEVELOPMENT STANDARDS

| Number of Dwelling Units/Lot | 1.0 |
| :--- | :---: |
| Number of Dwelling Units/Acre | 1.0 |
| Minimum Dwelling Unit | $2,500 \mathrm{SF}$ |
| Minimum Lot Area | $8,400 \mathrm{SF}$ |
| Minimum Lot Width | $70-$ Feet |
| Minimum Lot Depth | $100-$ Feet |
| Minimum Front Yard Setback | 20 -Feet |
| Minimum Rear Yard Setback | $10-$ Feet |
| Minimum Side Yard Setback | 6 -Feet |
| Between Buildings | $10-$ Feet |
| Building Height | 36 -Feet |
| Maximum Lot Coverage | $45 \%$ |
| Required Parking Spaces | 2 |

According to the OURHometown Vision 2040 Comprehensive Plan, the subject property is located within the Northeast Residential District and is designated for Low Density Residential land uses. The Low Density Residential land use is defined as "...residential subdivisions that are two (2) units per gross acre or less ...". Based on this the proposed zoning change conforms to the Comprehensive Plan. In addition, the OURHometown Vision 2040 Comprehensive Plan seeks to "...(p)reserve the City's current residential to non-residential land use ratio (i.e. $80 \%$ Residential; 20\% Commercial) in order to maintain a balance mix of land uses for fiscal sustainability ..." [Section 02.01; CH. 1; Page 1-1]. In this case, the proposed zoning change conforms to the Future Land Use Map contained in the OURHometown Vision 2040 Comprehensive Plan, which was designed around the desired $80 \% / 20 \%$ land use ratio. Based on this the proposed zoning change does not affect the current residential to non-residential percentage.

## NOTIFICATIONS

On April 26, 2022, staff notified 19 property owners and occupants within 500 -feet of the subject property. Staff also notified the Nelson Creek Homeowner's Association (HOA), which is the only Homeowner's Association (HOA) or Neighborhood Group within 1,500 -feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was written, staff had not received any notices regarding the applicant's request.

## CONDITIONS OF APPROVAL

If City Council chooses to recommend approval of the applicant's request to rezone the subject property from a Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family Estate 1 (SF-1) District, then staff would propose the following conditions of approval:
(1) Any construction resulting from the approval of this Zoning Change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## PLANNING AND ZONING COMMISSION

On May 10, 2022, The Planning and Zoning Commission approved a motion to recommend approval of the zoning change with a vote of 6-0, with commissioner Womble absent.

## STAFF USE ONLY

PLANNING \& ZONING CASE NO.
NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BEL QW.

DIRECTOR OF PLANNING:
CITY ENGINEER:
PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONL Y ONE BOX]:


PROPERTY INFORMATION [PLEASE PRINT]


OWNERIAPPLICANTIAGENT INFORMATION [PLEASE PRINTICHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

$\square$ APPLICANT
CONTACT PERSON
ADDRESS

CITY, STATE \& ZIP
PHONE
E-MAIL

## NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED John t Rita Ca naylan STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:
"I HEREBY CERTIFY THATI AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF
$\qquad$ TO COVER THE COST OF THIS APPLICATION. HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE $\qquad$ DAY OF 20 _ BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQU
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 1 LDAY OF A pril



City of Rockwall

Planning \& Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

Planning \& Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 (P): (972) 771-7745
(W): www.rockwall.com

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Case Number: Z2022-016
Case Name: $\quad$ Zoning Change from SFE-4 to SF-1
Case Type: Zoning
Zoning:
Single-Family Estate 4
Case Address: 714 Clem Road

Date Saved: 4/12/2022
For Questions on this Case Call (972) 771-7745


Planning \& Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 (P): (972) 771-7745
(W): www.rockwall.com

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Case Number:
Case Name:
Case Type:
Zoning:
Case Address:

## Z2022-016

Zoning Change from SFE-4 to SF-1 Zoning
Single-Family Estate 4 714 Clem Road


SWIATKIEWICZ CHRISTINE AND GABRIEL
1167 ROLLING MEADOW
LAVON, TX 75087

OWNBY MITCH AND SANDRA 2219 S ANDERSON LN ROCKWALL, TX 75087

OWNBY MITCH AND SANDRA 255 COUNTRY CLUB DR HEATH, TX 75032

ERWIN KARL DANIEL EXECUTOR KARL W ERWIN ESTATE 379 N COUNTRY LN ROCKWALL, TX 75087

MCCALLUM CRAIG WILLIAM<br>611 CLEM RD ROCKWALL, TX 75087

SHLENSKY HOWARD J \& DARLA A 820 CLEM RD ROCKWALL, TX 75087

FOGG GORDON C PO BOX 842 ROCKWALL, TX 75087

MCCALLUM CRAIG WILLIAM 1983 N STODGHILL RD ROCKWALL, TX 75087

ARTERBURN ANDREW 2225 S ANDERSON LN ROCKWALL, TX 75087
CONNER KEVIN AND AMY
2652 N FM 3549
ROCKWALL, TX 75087

FOGG GORDON C 505 CLEM RD ROCKWALL, TX 75087

CANAVAN JOHN P \& RITA<br>714 CLEM RD ROCKWALL, TX 75087

BENEDETTO MATTHEW AND STEPHANIE 835 CLEM RD
ROCKWALL, TX 75087

ERWIN KARL DANIEL EXECUTOR KARL W ERWIN ESTATE 2030 CROSSWOOD LANE IRVING, TX 75063

SWIATKIEWICZ CHRISTINE AND GABRIEL 2231 S ANDERSON LN ROCKWALL, TX 75087

VALK JAMES WILLIAM JR \& RENEE LUCILLE BURNS
TRUSTEES OF JAMES WILLIMA VALK JR LIVING TRUST 2730 FM 3549 ROCKWALL, TX 75087

ARTERBURN ANDREW 605 HIGHLAND DRIVE ROCKWALL, TX 75087

BELL SALLY REDDICK 768 CLEM RD ROCKWALL, TX 75087

BENEDETTO MATTHEW AND STEPHANIE 907 W HOLIDAY ROAD ROCKWALL, TX 75087

## 11 NORTHEAST RESIDENTIAL DISTRICT

DISTRICT DESCRIPTION
The Northeast Residential District is characterized by its established lowdensity residential subdivisions and rural/estate style lots. This district is anticipated to be a future growth center for the City, having several large vacant tracts of land suitable for low-density, residential development. In addition, the City currently owns a large tract of land that will be a northern community park and serve this district in the future.

## DISTRICT STRATEGIES

The Northeast Residential District being mostly an established residential district, is not anticipated to change or transition. The strategies for this district are:
(1) Estate and Rural Residential. The maintenance of the Estate and Rural Residential housing types are important to balancing the diversity of suburban lots to large lot housing within the City. These areas also provide rural reserves for the City and create a natural transition zone to the east, towards FM-3549.
(2) Suburban Residential. Any new Suburban Residential developments should include a mix of larger to mid-sized lots. Lots in these developments should not be smaller than existing Suburban Residential in this district.
(3) Infill Development. Residential infill development within this district should be compatible with the surrounding structures and should generally follow the guidelines for low density, suburban housing or rural/estate housing.
4 Neighborhood/Convenience Centers. The commercial in this district is intended to support the existing residential subdivisions and should be compatible in scale with the adjacent residential structures.
(5) John King Boulevard Trail Plan. A ten (10) foot hike/bike trail should be incorporated along John King Boulevard with rest stops and signage as indicated in Appendix ' $B$ ' of this Comprehensive Plan.

## POINTS OF REFERENCE

A. Stoney Hollow Subdivision
B. Celia Hays Elementary School
C. North Country Lane Park
D. Saddlebrook Estates Subdivision
E. Resthaven Funeral Home

LAND USE PALETTES

- Current Land Use
- Future Land Use


John King Boulevard Trail Plan Rest Stop/Trailblazer Pylon


言 魄 5,794


| LEGEND: | PERMITTED LAND USES IN AN |  |  |
| :---: | :---: | :---: | :---: |
| Land Use NOT Permitted |  |  |  |
| P Land Use Permitted By-Right |  |  |  |
| P Land Use Permitted with Conditions |  |  |  |
| S Land Use Permitted Specific Use Permit (SUP) | SINGLE FAMILY 1 (SF-1) DISTRICT |  |  |
| X Land Use Prohibited by Overlay District |  |  |  |
| A Land Use Permitted as an Accessory Use |  |  |  |
| LAND USE SCHEDULE | LAND USE DEFINITION REFERENCE [Reference Article 13, Definitions] | $\begin{aligned} & \text { CONDITIONAL USE } \\ & \text { REFERENCE } \\ & \text { Reference [Article 04, } \\ & \text { Permissible Uses] } \end{aligned}$ | SINGLE FAMILY 1 (SF-1) DISTRICT |
| AGRICULTURAL AND ANIMAL RELATED LAND USES | $2.02(\mathrm{~A})$ | $2.03(\mathrm{~A})$ |  |
| Agricultural Uses on Unplatted Land | (1) |  | P |
| Private Horse Corral or Stable | (10) | (6) | S |
| Community Garden | (11) | (7) | S |
| Urban Farm | (12) | (8) | S |
| RESIDENTIAL AND LODGING LAND USES | 2.02(B) | 2.03(B) |  |
| Residential Accessory Building or Structure | (1) | (1) | P |
| Residential Garage | (7) | (4) \& (5) | A |
| Guest Quarters/Secondary Living Unit/Accessory Dwelling Unit | (8) | (6) | A |
| Home Occupation | (9) | (7) | P |
| Portable Building | (15) | (10) | P |
| Residential Infill in an Established Subdivision | (16) | (11) | S |
| Single-Family Detached Structure | (18) | (13) | P |
| Private Swimming Pool | (20) |  | A |
| Private Tennis Court | (21) |  | S |
| INSTITUTIONAL AND COMMUNITY SERVICE LAND USES | 2.02(C) | 2.03(C) |  |
| Church/House of Worship | (4) | (2) | S |
| Daycare with Seven (7) or More Children | (9) | (4) | S |
| Group or Community Home | (11) | (5) | P |
| Public or Private Primary School | (21) | (7) | S |
| Public or Private Secondary School | (22) | (8) | S |
| Temporary Education Building for a Public or Private School | (23) | (9) | S |
| RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES | 2.02(E) | 2.03(E) |  |
| Public or Private Community or Recreation Club as an Accessory Use | (4) |  | S |
| Private Country Club | (5) |  | S |
| Temporary Fundraising Events by Non-Profit | (7) | (4) | P |
| Public Park or Playground | (12) |  | P |
| Tennis Courts (i.e. Not Accessory to a Public or Private Country Club) | (14) |  | S |
| RETAIL AND PERSONAL SERVICES LAND USES | 2.02(F) | 2.03(F) |  |
| Temporary Real Estate Sales Office | (25) |  | P |
| COMMERCIAL AND BUSINESS SERVICES LAND USES | 2.02(G) | 2.03(G) |  |
| Temporary On-Site Construction Office | (18) | (6) | P |
| INDUSTRIAL AND MANUFACTURING LAND USES | $2.02(1)$ | 2.03 (I) |  |
| Temporary Asphalt or Concrete Batch Plant | (2) | (2) | P |
| Mining and Extraction of (Sand, Gravel, Oil and/or Other Materialsł | (12) | (5) | S |
| UTILITIES, COMMUNICATIONS AND TRANSPORTATION LAND USES | 2.02(K) | 2.03(K) |  |
| Antenna; as an Accessory | (2) | (1) | S |
| Antenna; for an Amateur Radio | (4) | (3) | A |
| Antenna Dish | (5) | (4) | A |


| LEGEND: |  |  |  |
| :---: | :---: | :---: | :---: |
| Land Use NOT Permitted | PERMITTED LAND USES IN AN |  |  |
| P Land Use Permitted By-Right |  |  |  |
| P Land Use Permitted with Conditions |  |  |  |
| S Land Use Permitted Specific Use Permit (SUP) | SINGLE FAMILY 1 (SF-1) DISTRICT |  |  |
| X Land Use Prohibited by Overlay District |  |  |  |
| A Land Use Permitted as an Accessory Use |  |  |  |
| LAND USE SCHEDULE | LAND USE DEFIIITION REFERENCE [Reference Article 13, Definitions | CONDITIONAL USE REFERENCE Reference [Article 04 Permissible Uses] | SINGLE FAMILY 1 (SF-1) DISTRICT |
| Utilities (Non-Municipally Owned or Controlled), Including Sanitary Landfill, Water Treatment, and Supply, and Wastewater Treatment | (10) |  | S |
| Municipally Owned or Controlled Facilities, Utilities and Uses | (11) |  | P |
| Private Streets | (12) |  | S |
| Railroad Yard or Shop | (14) |  | S |
| Satellite Dish | (16) |  | A |
| Solar Energy Collector Panels and Systems | (17) | (7) | A |
| Utilities Holding a Franchise from the City of Rockwall | (21) |  | S |
| Utility Installation Other than Listed | (22) |  | S |
| Utility/Transmission Lines | (23) |  | S |
| Wireless Communication Tower | (24) |  | S |

## CITY OF ROCKWALL

ORDINANCE NO. 22-XX
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM A SINGLE-FAMILY ESTATE 4.0 (SFE-4.0) DISTRICT TO A SINGLE-FAMILY 1 (SF1) DISTRICT FOR A FIVE (5) ACRE TRACT OF LAND IDENTIFIED AS LOT 5 OF THE MUSTANG ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT ' $A$ ' AND EXHIBIT ' $B$ ' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ( $\$ 2,000.00$ ) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from John and Rita Canavan for the approval of a Zoning Change from an Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District for a five (5) acre tract of land identified as Lot 5 of the Mustang Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 4.0 (SFE-4.0) District, addressed as 714 Clem Road, and more fully described and depicted in Exhibit ' $A$ ' and Exhibit ' $B$ ' of this ordinance, which hereinafter shall be referred to as the Subject Property and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the Subject Property from an Single-Family Estate 4.0 (SFE-4.0) District to a Single-Family 1 (SF-1) District;

SECTION 2. That the Subject Property shall be used only in the manner and for the purposes provided for a Single-Family 1 (SF-1) District as stipulated in Subsection 01.01, Use of Land and Buildings, of Article 04, Permissible Uses, and Subsection 03.05, Single-Family 1 (SF-1) District, of Article 05, District Development Standards, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in the zoning described herein;

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code (UDC) of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable; and

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect;

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE $6^{\text {TH }}$ DAY OF JUNE, 2022.

## ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney
$1^{\text {st }}$ Reading: May 16, 2022

$2^{\text {nd }}$ Reading: June 6, 2022


Legal Description: A Five (5) Acre Tract of Land Identified as Lot 5 of the Mustang Acres Addition Addressed As: 714 Clem Road



MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Ryan Miller, Director of Planning and Zoning |
| DATE: | May 16, 2022 |
| SUBJECT: | Z2022-017; SPECIFIC USE PERMIT FOR A TOWING AND IMPOUND <br>  <br> YARD AT 227 NATIONAL DRIVE |

Attachments<br>Case Memo<br>Development Application<br>Location Map<br>HOA Notification Map<br>Neighborhood Notification Email<br>Property Owner Notification Map<br>Property Owner Notification List<br>Public Notice<br>Property Owner Notifications<br>Applicant's Letter<br>Concept Plan<br>Applicant's Photo<br>Current Certificate of Occupancy (CO)<br>Notice of Code Violation<br>Draft Ordinance

Summary/Background Information
Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of an ordinance for a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040 -acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary (1st Reading).

Action Needed
The City Council is being asked to approve, approve with conditions, or deny the proposed Specific Use Permit (SUP).

TO:
DATE:
APPLICANT:
CASE NUMBER:

Mayor and City Council
May 16, 2022
Kim Lemmond, Dallas Towboys
Z2022-017; Specific Use Permit for a Towing and Impound Yard at 227 National Drive

## SUMMARY

Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

## BACKGROUND

According to the Rockwall County Appraisal District (RCAD) on the subject property is a 3,672 SF building that was constructed in 1985. The subject property was annexed by the City of Rockwall on August 30, 1999 [Case No. A1999-001] by Ordinance No. 99-33. On June 3, 2002, the City Council approved to rezone [Case No. PZ2002-036-01] the subject property from Agricultural (AG) District to Heavy Commercial (HC) District. On August 18, 2010 the subject property was issued a Commercial Building Permit [BLD2010-1077] to allow the construction of a R-panel and chain link fence. In 2016 the subject property was issued a Certificate of Occupancy [CO2016-0112] for a Personal Office.

Staff is obligated to note that in March 2022, the applicant came to speak to staff about acquiring a new Certificate of Occupancy (CO) for 227 National Drive for an Office. Upon reviewing aerials and the previously approved CO, which was for a Personal Office, it appeared that they were conducting their Towing and Impound Yard (i.e. Dallas Towboys) business on 227 National Drive. A Towing and Impound Yard requires a Specific Use Permit (SUP), which 291 National Drive (i.e. 227 \& 291 National Drive are adjacent properties that the applicant both owns) has a SUP for this use. That being said the applicant confirmed with staff that 227 National Drive was also being used for the Towing and Impound Yard, which violated their CO. Staff informed the applicant that Code Enforcement would visit the property to ensure the Towing and Impound Yard did not operate on 227 National Drive until a SUP was approved.

## PURPOSE

The applicant - Kim Lemmond of Dallas Towboys-- is requesting the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard (i.e. Dallas Towboys) to operate on the subject property.

## ADJACENT LAND USES AND ACCESS

The subject property is addressed as 227 National Drive. The land uses adjacent to the subject property are as follows:
North: Directly north of the subject property are two (2) developed parcels of land (i.e. 117 National Drive and 2890 S. Goliad Street) zoned Heavy Commercial (HC) District. Beyond this is Mims Road, which is identified as a M4U (i.e. major collector, four [4] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a vacant 58.72-acre tract of land zoned for Commercial (C) District and Heavy Commercial (HC) District. Beyond this is S . Goliad Street, which is identified as a P6D (i.e. principal arterial, six [6] lane, divided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

Directly south of the subject property are three (3) developed parcels of land (i.e. 291, 311, \& 355 National Drive) zoned Heavy Commercial (HC) District. Beyond this is Rise Drive, which is identified as a private roadway. Beyond this is a 23.27 -acre tract of land developed with a 106,764 SF building zoned Commercial (C) District.

East: $\quad$ Directly east of the subject property are two (2) developed tracts of land (i.e. 2890 \& 2930 S. Goliad Street) zoned Commercial (C) District and Heavy Commercial (HC) District. Beyond this is S. Goliad Street, which is identified as a P6D (i.e. principal arterial, six [6] lane, divided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is Fire Station 4 (i.e. 2915 S. Goliad Street) and Ouida Springer Elementary (i.e. 3025 S. Goliad Street) zoned Planned Development District 10 (PD-10) for Public land uses.

West: Directly west of the subject property is National Drive, which is identified as a R2 (i.e. residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are four (4) developed tracts of land (i.e. 118, 178, 180, 182, 184, 242, 368, \& 496 National Drive) zoned Heavy Commercial (HC) District. Beyond this is National Drive, which is identified as a R2 (i.e. residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are two (2) developed tracts of land (i.e. 471, 495, 504, \& 525 National Drive) zoned Heavy Commercial (HC) District.

## CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application and concept plan requesting a Towing and Impound Yard at 227 National Drive. The concept plan delineates that the storage of vehicles will take place at the rear of the property and will be screened by existing r-panel metal fencing. The concept plan also depicts the addition of seven (7) parking spaces on an improved surface (i.e. concrete) along the southern property line in front of the front façade of the existing building. Lastly the concept plan shows four (4) canopy trees and four (4) accent trees along National Drive. Ingress and egress for towed vehicles will either be through the existing gates on 227 National Drive or across 291 National Drive, which is the property that holds the original Certificate of Occupancy (CO) for the Towing and Impound Yard for Dallas Towboys.

## CONFORMANCE WITH THE CITY'S CODES

According to the Permissible Use Charts contained in Article 04, Permissible Uses, of the Unified Development Code (UDC), the Towing and Impound Yard land use requires a Specific Use Permit (SUP) in a Heavy Commercial (HC) District. The purpose of requiring a Specific Use Permit (SUP) for this land use in a Heavy Commercial (HC) District is tied to the fact that this land use is considered to be highly insensitive and may not be appropriate on all properties zoned Heavy Commercial (HC) District. According to the Unified Development Code (UDC), "(t)he Heavy Commercial (HC) District is commercial in nature, but has some aspects that are similar to industrial land uses. The zoning district allows noise, traffic, litter, late night hours, outside storage of materials and equipment, and other influences that could be harmful if directly adjacent to residential areas..." Based on the nature of the Towing and Impound Yard land use and its extensive outside storage of vehicles and late hours of operation, this land use was identified as needing discretionary oversight from the Planning and Zoning Commission and City Council. More simply stated, this land use may not be appropriate on all properties zoned Heavy Commercial (HC) District. In addition, Article 04, Permissible Use Charts, of the Unified Development Code (UDC) also requires that Towing and Impound Yards meet the all requirements that are specified in Article VI, Wrecker and Towing Services, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances.

In this case the applicant's proposed concept plan appears to meet the requirements described in the Unified Development Code (UDC) and the requirements outlined in the Municipal Code of Ordinance. The majority of the requirements outlined in the Municipal Code of Ordinances for the applicant's proposed land use is related to operations and not site design. With this being said, the applicant will be required to meet all the operation requirements within the Municipal Code of Ordinances, and it shall be the responsibility of the Neighborhood Services Department to ensure continued compliance.

## STAFF ANALYSIS

The applicant is requesting a Towing and Impound Yard land use, which had been operating on the subject property since approximately March 2015 without a valid Certificate of Occupancy (CO). The subject property is zoned Heavy Commercial
(HC) District and has industrial adjacencies. As mentioned in the Background of this memo, the applicant also owns 291 National Drive, which has a valid Certificate of Occupancy (CO) and an approved Specific Use Permit (SUP) [S-029] for Towing and Impound Yard. Staff should also note that many of the adjacent properties are also considered legally nonconforming or "(a) use, building or yard which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated." (Article 13, Definitions, of the Unified Development Code). All that being said, the applicant's request for a Towing and Impound Yard does not appear to be inconsistent with the adjacent land uses along National Drive.

Should the Planning and Zoning Commission choose to recommend approval of the applicant's request staff has included conditions of approval described below and outlined within the Draft Ordinance contained in your packet. A Specific Use Permit (SUP) request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

## NOTIFICATIONS

On April 25, 2022, staff mailed 28 notices to property owners and occupants within 500 -feet of the subject property. Staff also sent a notice to the Hickory Ridge and Hickory Ridge East Homeowners Associations (HOAs), which are the only HOA's or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had not received any returned notices in regard to the applicant's request.

## CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request for a Specific Use Permit (SUP) for a Towing and Impound Yard then staff would propose the following conditions of approval:
(1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the SUP ordinance and which are detailed as follows:
(a) The development of the Subject Property shall generally conform to the Concept Plan as depicted in Exhibit 'B' of the Specific Use Permit (SUP) ordinance.
(b) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
(c) All impounded vehicles shall be stored behind a solid screening fence (including the gates) that conforms to the requirements of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC) on the Subject Property. In addition, all impounded vehicles shall be stored behind the front façade of the building.
(d) The storage of boats, trailers, and tires shall be prohibited. Only towed vehicles may be stored on the subject property.
(e) The landscaping on the subject property shall be updated to meet the City's minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50 -linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC).
(f) The storage or impoundment of in-operable vehicles on the subject property shall be prohibited.
(g) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City's standards shall be provided.
(2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## PLANNING AND ZONING COMMISSION

On May 10, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of $6-0$, with Commissioner Womble absent.

DEVELOPMENT APPLICATION
City of Rockwall
Planning and Zoning Department
385 S．Goliad Street
Rockwall，Texas 75087

NOTE：THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW．
DIRECTOR OF PLANNING：
CITY ENGINEER：

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST［SELECT ONLY ONE BOX］：

## PLATTING APPLICATION FEES：

$\square$ MASTER PLAT $(\$ 100.00+\$ 15.00 \text { ACRE })^{1}$
PRELIMINARY PLAT（\＄200．00＋\＄15．00 ACRE）${ }^{1}$
FINAL PLAT $(\$ 300.00+\$ 20.00 \text { ACRE })^{1}$
REPLAT $\left(\$ 300.00+\$ 20.00\right.$ ACRE）${ }^{1}$
AMENDING OR MINOR PLAT（\＄150．00）
$\square$ PLAT REINSTATEMENT REQUEST（ $\$ 100.00$ ）

## SITE PLAN APPLICATION FEES：

SITE PLAN $(\$ 250.00+\$ 20.00 \text { ACRE })^{1}$
AMENDED SITE PLAN／ELEVATIONS／LANDSCAPING PLAN（\＄100．00）

## ZONING APPLICATION FEES：

$\square$ ZONING CHANGE $\left(\$ 200.00+\$ 15.00\right.$ ACRE）${ }^{1}$
$\square$ SPECIFIC USE PERMIT（ $\$ 200.00+\$ 15.00$ ACRE）${ }^{182} 22706$
PD DEVELOPMENT PLANS $(\$ 200.00+\$ 15.00 \text { ACRE })^{1}$
OTHER APPLICATION FEES：
$\square$ TREE REMOVAL（\＄75．00）
$\square$ VARIANCE REQUEST／SPECIAL EXCEPTION\＄$(\$ 100.00)^{2}$

## NOTES：

亿：IN DETERMINING THE FEE，PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT．FOR REQUESTS ON LESS THAN ONE ACRE，ROUND UP TO ONE（1）ACRE． 2：A $\$ 1,000.00$ FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT．

PROPERTY INFORMATION［PLEASE PRINT］

$$
\text { ADDRess } 227 \text { National } d r \text {. }
$$

SUBDIVISION
general location $205 / \mathrm{mims}$ andestílal．

## ZONING，SITE PLAN AND PLATTING INFORMATION［PLEASE PRINT］

 cuneentronns warehouse officecurarise F／ PROPOSED ZONING
acreage
1.8040
lots current same
$\square$ SITE PLANS AND PLATS：BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS，AND FAILURE TO ADDRESS ANY OF STAFF＇S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE．
OWNER／APPLICANT／AGENT INFORMATION［PLEASE PRINT／CHECK The primary contact／original signatures are required］



City of Rockwall
Planning \& Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.
(W): www.rockwall.com

Planning \& Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 (P): (972) 771-7745
(W): www.rockwall.com

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Case Number: Case Name:

Z2022-017
SUP for a Towing and Impound Yard (Dallas Towboys)
Case Type: Zoning
Zoning: Heavy Commercial (HC) District
Case Address: 227 National Drive
Date Saved: 4/12/2022
For Questions on this Case Call (972) 771-7745


Lee, Henry

| From: | Gamez, Angelica |
| :--- | :--- |
| Sent: | Tuesday, April 26, 2022 8:38 AM |
| Cc: | Miller, Ryan; Lee, Henry; Ross, Bethany |
| Subject: | Neighborhood Notification Program [Z2022-017] |
| Attachments: | Public Notice (04.20.2022).pdf; HOA Map (04.14.2022).pdf |

HOA/Neighborhood Association Representative:
Per your participation in the Neighborhood Notification Program, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on April 22, 2022. The Planning and Zoning Commission will hold a public hearing on Tuesday, May 10, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 16, 2022 at 6:00 PM. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to Planning@rockwall.com at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website: https://sites.google.com/site/rockwallplanning/development/development-cases.

Z2022-017 SUP for a Towing and Impound Yard
Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

Thank you,

## Angelica Gamez

Planning \& Zoning Coordinator
City of Rockwall
972.771.7745 Office
972.772.6438 Direct
http://www.rockwall.com/planning/

Planning \& Zoning Department 385 S. Goliad Street Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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Case Number:
Case Name:
Case Type:
Zoning:
Case Address:

Z2022-017
SUP for a Towing and Impound Yard (Dallas Towboys)
Zoning
Heavy Commercial (HC) District
227 National Drive

Date Saved: 4/12/2022
For Questions on this Case Call (972) 771-7745


MCSWAIN BILLY
100 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
101 NATIONAL DR
ROCKWALL, TX 75032

SCOTTFREE INVESTMENTS LP
118 NATIONAL DR ROCKWALL, TX 75032

MILLER FAMILY INVESTMENT LP
17430 CAMPBELL RD STE 230
DALLAS, TX 75252

SEYMORE TIM \& RAY SEYMORE
242 NATIONAL DR
ROCKWALL, TX 75032

LAYZA LUIS \&
RUBEN LUNA \& JUDITH BARCELO \& MINDY H ZAMORA
2922 S HWY 205 ROCKWALL, TX 75032

GADDIS ROY F FAMILY TRUST
ROY F GADDIS TRUSTEE 355 NATIONAL DR ROCKWALL, TX 75032

> BIG BUCK PROPERTIES LLC
> 496 NATIONAL DR ROCKWALL, TX 75032

JACOBS DAVID RAY
626 NATIONAL DR
ROCKWALL, TX 75032

BIG BUCK PROPERTIES LLC
PO BOX 2107
ROCKWALL, TX 75087

LEMMOND BRENTON \& KIMBERLEY 10349 S STATE HIGHWAY 205 ROCKWALL, TX 75032

NABORS CHERYL ELAINE 1123 SIGNAL RIDGE PL ROCKWALL, TX 75032

LAYZA LUIS \&
RUBEN LUNA \& JUDITH BARCELO \& MINDY H ZAMORA
1600 US HIGHWAY 80
MESQUITE, TX 75032

LEMMOND BRENTON \& KIMBERLY
227 NATIONAL DR
ROCKWALL, TX 75032

LEMMOND BRENTON \& KIMBERLEY
291 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
3400 EDGEFIELD CT GREENSBORO, NC 27408

GROUP 1 REALTY INC
381 NATIONAL DR ROCKWALL, TX 75032

GADDIS ROY F FAMILY TRUST
ROY F GADDIS TRUSTEE 6 BRIGHT MEADOWS ROAD HEATH, TX 75032

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ASBURY MICHAEL \& LEAANN
PO BOX 1012
ROCKWALL, TX 75087
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[^2]MCSWAIN BILLY
148 NATIONAL DR ROCKWALL, TX 75032

ASBURY MICHAEL \& LEAANN
182 NATIONAL DR ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC 2890 S GOLIAD ROCKWALL, TX 75032

NABORS CHERYL ELAINE
311 NATIONAL DR
ROCKWALL, TX 75032

D \& A REAL ESTATE PARTNERS LTD
368 NATIONAL DR ROCKWALL, TX 75032

## SCOTTFREE INVESTMENTS LP 519 E INTERSTATE 30 \#511 ROCKWALL, TX 75087

GROUP 1 REALTY INC 800 GESSNER SUITE 500 HOUSTON, TX 77024

RAYBURN COUNTRY ELECTRIC CORP INC PO BOX 37 ROCKWALL, TX 75093

Property Owner and/or Resident of the City of Rockwall:
You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

## Case No. Z2022-017: SUP for a Towing and Impound Yard

Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 10, 2022 at $6: 00$ PM, and the City Council will hold a public hearing on Monday, May 16, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Henry Lee<br>Rockwall Planning and Zoning Dept.<br>385 S. Goliad Street<br>Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, May 16, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.
Sincerely,
Ryan Miller, AICP
Director of Planning \& Zoning


MORE INFORMATION ON THIS CASE CAN BE FOUND AT: https://sites.google.com/site/rockwallplanning/development/development-cases

-     -         - PLEASE RETURN THE BELOW FORM


## Case No. Z2022-017: SUP for a Towing and Impound Yard

## Please place a check mark on the appropriate line below:

$\square \mathrm{I}$ am in favor of the request for the reasons listed below.
$\square$ I am opposed to the request for the reasons listed below.

## Name:

## Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

> PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

CITY OF ROCKWELL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:
You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:
Case No. Z2022-017: SUP for a Towing and Impound Yard
Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

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Sincerely,
Ryan Miller, AICP


MORE INFORMATION ON THIS CASE CAN BE FOUND AT: https://sites google.com/site/rockwallplanning/development/development-cases

## - . = PLEASE RETURN THE BELOW FORM

Case No. Z2022-017: SUP for a Towing and Impound Yard
Please place a check mark on the appropriate line below:
lam in favor of the request for the reasons listed below.
$\square$ । am opposed to the request for the reasons listed below.

$$
\begin{aligned}
& \text { THEY ARE ALREADY IN THEAREA - NO PROBLEMS IF THEY } \\
& \text { WANT TO EXPAND. }
\end{aligned}
$$

Name:
Roy F, GADDIS TRUSEE

$$
\text { Address: } 355^{\circ} \text { NATIONAL DR, POCNWAL FT } 75032
$$

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

## PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

April 8, 2022
Attn Planning and Zoning - Rockwall Texas
My name is Kim Pittman Lemmond, owner of 227 National Drive Rockwall Texas 75032. I currently own the property 227 and 291 National Dr. since around 2006. We have conducted the Dallas Towboys business at 291 and 227 since we purchased both properties. The property at 227 and 291 has been storing vehicles and have had a SUP permit for a storage facility since we submitted to city around the 2006 - 2008-time frame. I was under the impression we were legal for storing at 227 . While contacting the city to update my current CO with a new company name, I found out that the SUP was for 291. I am now requesting for the SUP be for 227 as well.

Thank you

Kim Pittman Lemmond

Pittman Logistics LLC dba Dallas Towboys Sales and Service

4/8/2022, 6:48:31 PM

|  |  | 1:564 |  |
| :---: | :---: | :---: | :---: |
| 0 | 0 | 0.01 | 0.02 mi |



Rockwall CAD Web Map


Parcel

City of Rockwall She Craw Shouizon

\$75.00 Payable to the City of Rockwall upon notice of approved C.O.

Building Inspections Dept:
Inspection Request:
Fire Department:
Health Inspector:
(972) 771-7709
(972) 771 -7760
(972) 771-7770
(214) 202-1202

## Application for Certificate of Occupancy


C.O. No: $\qquad$
This Application must be completed in full, signed and dated prior to being processed.


Restaurants: Will alcohol be served? Yes No
If yes, you must provide us with a copy of your TABC license before a C.O. will be issued.


Signing this application does not authorize occupancy of the space and/or structure. It is unlawful to use, occupy, or permit the use or occupancy of a building until a C.O. is issued.

| From: | Widmer, Jeffrey |
| :--- | :--- |
| Sent: | Friday, May 4, 2018 4:09 PM |
| To: | Pallares, Gabe |
| Subject: | C.O. needed |

Here's the code reference.

Specific violation: Failure to allow occupancy of your building without obtaining the required certificate of occupancy as required by the City's Code of Ordinance \#16-32 Section 10-116, and specifically the city's adopted 2015 International Building Code,
SECTION 111 CERTIFICATE OF OCCUPANCY which states:
[A] 111.1 Use and occupancy.
A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-XXX


#### Abstract

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A TOWING AND IMPOUND YARD ON A 1.804-ACRE TRACT OF LAND IDENTIFIED AS TRACT 28 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN EXHIBIT 'A' AND EXHIBIT 'B’ OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ( $\$ 2,000.00$ ) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.


WHEREAS, the City has received a request from Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) to allow for a Towing and Impound Yard on a 1.804-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and being more specifically depicted and described in Exhibit ' $A$ ' and Exhibit ' $B$ ' of this ordinance, which herein after shall be referred to as the Subject Property and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;
SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing a Towing and Impound Yard as stipulated by Subsection 01.02, Land Use Schedule, of Article 04, Permissible Uses, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the Subject Property; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 02.03, Conditional Land Use Standards, of Article 04, Permissible Uses, and Subsection 04.01, General Commercial District Standards, and Subsection 04.06, Heavy Commercial (HC) District, of Article 05, District Development Standards, of the Unified Development Code (UDC) [Ordinance No. 20-02] and Article VI, Wrecker and Towing Services,
of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

### 2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a Towing and Impound Yard on the Subject Property and conformance to these conditions are required for continued operations:
(1) The development of the Subject Property shall generally conform to the Concept Plan as depicted in Exhibit 'B' of this ordinance.
(2) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
(3) All impounded vehicles shall be stored behind a solid screening fence (including the gates) that conforms to the requirements of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC) on the Subject Property. In addition, all impounded vehicles shall be stored behind the front façade of the building.
(4) The storage of boats, trailers, and tires shall be prohibited. Only towed vehicles may be stored on the subject property.
(5) The landscaping on the subject property shall be updated to meet the City's minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50 -linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC).
(6) The storage or impoundment of in-operable vehicles on the subject property shall be prohibited.
(7) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City's standards shall be provided.

### 2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, Specific Use Permits (SUP), of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC) will require compliance to the following:
(1) Upon obtaining a Certificate of Occupancy (CO), should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), Revocation, of Article 11, Development Applications and Revision Procedures, of the Unified Development Code (UDC) [Ordinance No. 20-02].

SECTION 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 5. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 8. That this ordinance shall take effect immediately from and after its passage.
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE $6^{\text {TH }}$ DAY OF JUNE, 2022.

## ATTEST:

Kristy Teague, City Secretary

## APPROVED AS TO FORM:

Frank J. Garza, City Attorney
$1^{\text {st }}$ Reading: May 16, 2022
$2^{\text {nd }}$ Reading: June 6, 2022


## Exhibit ' A '

## Location Map

Address: 227 National Drive
Legal Description: Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128


Exhibit 'B'
Concept Plan


MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Ryan Miller, Director of Planning and Zoning |
| DATE: | May 16, 2022 |
| SUBJECT: | Z2022-018; SPECIFIC USE PERMIT FOR AN ACCESSORY BUILDING AT |

## Attachments

Case Memo
Development Application
Location Map
HOA Notification Map
Property Owner Notification Map
Property Owner Notification List
Public Notice
Property Owner Notifications
Applicant's Letter
Site Plan
Building Plans
Housing Analysis
Draft Ordinance
Summary/Background Information
Hold a public hearing to discuss and consider a request by Carlos and Crystal Solis for the approval of an ordinance for a Specific Use Permit (SUP) for an Accessory Building on a 3.02acre parcel of land identified as Lot 7R of the Lofland Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 2.0 (SFE-2.0) District, addressed as 2914 FM-549, and take any action necessary (1st Reading).

Action Needed
The City Council is being asked to approve, approve with conditions, or deny the proposed Specific Use Permit (SUP).

TO:
DATE:
APPLICANT:
CASE NUMBER:

Mayor and City Council
May 16, 2022
Carlos and Crystal Solis
Z2022-018; Specific Use Permit for an Accessory Building at 2914 FM-549

## SUMMARY

Hold a public hearing to discuss and consider a request by Carlos and Crystal Solis for the approval of a Specific Use Permit (SUP) for an Accessory Building on a 3.02-acre parcel of land identified as Lot 7R of the Lofland Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 2.0 (SFE-2.0) District, addressed as 2914 FM-549, and take any action necessary.

## BACKGROUND

On July 21, 1997, the City Council approved Ordinance No. 97-14 [Case No. A1997-001] annexing the subject property in to the City of Rockwall. Based on the City's historic zoning maps, the subject property was zoned Single-Family Estates 2.0 (SFE2.0) District as of April 5, 2005. On October 1, 2001, the City Council approved a replat [Case No. PZ2001-93-01] for Lots 7 \& 8, Lofland Lake Estates No. 2 Addition. On October 1, 2018, the City Council approved Ordinance No. 18-41 [Case No. Z2018035 ] to allow for the construction of a 25 -foot by 35 -foot (or 875 SF ) metal detached garage on the subject property. According to the Rockwall Central Appraisal District (RCAD), there is a 2,933 SF single-family home situated on the subject property that was constructed in 2001.

## PURPOSE

The applicants -- Carlos and Crystal Solis -- are requesting the approval of a Specific Use Permit (SUP) to allow for the construction of a second Accessory Structure that exceeds the overall maximum allowable square footage as stipulated by Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards, of the Unified Development Code (UDC).

## ADJACENT LAND USES AND ACCESS

The subject property is addressed as 2914 FM-549. The land uses adjacent to the subject property are as follows:
North: Directly north of the subject property are several single-family homes, which are part of the Lofland Lake Estates, Phase 2 Subdivision. The properties are zoned Single-Family Estate 2.0 (SFE-2.0) District. Beyond this are several single-family homes that are part of Lofland Lake Estates, Phase 1 Subdivision. This area is zoned Single-Family Estate 4.0 (SFE-4.0) District.

South: Directly south of the subject property is FM-549, which is identified as a TXDOT 4D (i.e. Texas Department of Transportation, four [4] lane, divided roadway) on the City's Master Thoroughfare Plan. Beyond this is a large vacant tract of land that is zoned Commercial (C) District.

East: $\quad$ Directly east of the subject property is S. FM-549, which is identified as a TXDOT 4D (i.e. Texas Department of Transportation, four [4] lane, divided roadway) on the City's Master Thoroughfare Plan. Beyond this is a large vacant tract of land that is zoned Agricultural (AG) District.

West: Directly west of the subject property is a vacant tract of land zoned Agricultural (AG) District, and a single-family home zoned Single-Family Estate 2.0 (SFE-2.0) District. Beyond this is a single-family residential subdivision (i.e. Somerset Park Phase 1) zoned Planned Development District 63 (PD-63) for Single-Family 10 (SF-10) District land uses.

## CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application, survey, and building specifications proposing to construct a 16 -foot by 24 -foot (or 384 SF) accessory building on the subject property. There is already an existing detached garage that measures 25 -feet by 35 feet (or 875 SF). At the Planning and Zoning Commission work session meeting the applicant indicated that they would be utilizing the accessory structure as a home office.

## CONFORMANCE WITH THE CITY'S CODES

According to Subsection 07.04, Accessory Structure Development Standards, of Article 05, District Development Standards, of the Unified Development Code (UDC), the Single-Family Estates 2.0 (SFE-2.0) District allows a total of two (2) accessory structures. For accessory buildings, the Single-Family Estate 2.0 (SFE-2.0) District allows one (1) accessory building at 625 SF. In addition, if a property has an existing accessory building greater than 625 SF , no additional accessory buildings or structures shall be permitted. Accessory structures are limited to a maximum height of 15 -feet. The setbacks for a detached garage in a Single-Family Estate 2.0 (SFE-2.0) District are 20 -feet from the rear property line and six (6) feet from the side yard property line. Accessory structures are also required to have a minimum of ten (10) feet of separation from any other building or structure. This section of the code goes on to state, "(a)ccessory buildings and structures shall be architecturally compatible with the primary structure, and be situated behind the front façade of the primary structure ... [and] (a)ccessory buildings and structures not meeting the size requirements stipulated by this section shall require a Specific Use Permit (SUP)."

## STAFF ANALYSIS

In this case, the applicant's request generally conforms to the building setbacks and height requirements for an accessory building; however, the secondary accessory structure does not adhere to the maximum allowable size. Specifically, the accessory structure will exceed the permitted $1,000 \mathrm{SF}$ by 279 SF . Staff should point out that since this is an older area that was annexed into the City of Rockwall, there are several properties with accessory buildings that exceed the 1,000 SF requirement. Based on this the applicant's request would not set a precedent in the area. If the applicant's Specific Use Permit (SUP) is approved, staff has included an operational condition in the Specific Use Permit (SUP) ordinance stating that no additional accessory buildings would be permitted on the subject property. This means that a total of one (2) accessory buildings will be permitted on this property. Based on the proposed size and location of the secondary accessory building, staff should point out that this structure will have very limited visibility from the adjacent properties. With this being said, the approval of a Specific Use Permit (SUP) request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

## NOTIFICATIONS

On April 25, 2022, staff mailed 12 notices to property owners and occupants within 500 -feet of the subject property. There are no Homeowner's Associations (HOAs) or Neighborhood Organizations within the 1500 -foot buffer participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received one (1) email from a property owner within the notification area opposed to the applicant's request and one (1) property owner notification in favor of the applicant's request.

## CONDITIONS OF APPROVAL

If the City Council chooses to approve of the applicant's request for a Specific Use Permit (SUP) for an Accessory Building, then staff would propose the following conditions of approval:
(1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
(a) The Accessory Building shall generally conform to the concept plan and the conceptual building elevations depicted in Exhibits 'B' \& 'C' of the Specific Use Permit (SUP) ordinance.
(b) The accessory building shall not exceed a maximum size of 390 SF ;
(c) The subject property shall not have more than one (2) accessory buildings;
(d) The accessory building shall not exceed a maximum overall SF of $1,275 \mathrm{SF}$;
(e) The accessory building shall not be operated as a commercial use; and,
(f) The accessory building is subject to administrative review in the event that the Subject Property is sold, conveyed or altered in any manner.
(2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

DEVELOPMENT APPLICATION
City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
STAFF USE ONLY
PLANNING \& ZONING CASE NO.
22022-818
NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.
DIRECTOR OF PLANNING:
CITY ENGINEER:
PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:
$\square$ MASTER PLAT $(\$ 100.00+\$ 15.00 \text { ACRE })^{1}$
$\square$ PRELIMINARY PLAT $(\$ 200.00+\$ 15.00 \text { ACRE })^{1}$
$\square$ FINAL PLAT $(\$ 300.00+\$ 20.00 \text { ACRE })^{1}$
$\square$ REPLAT $\left(\$ 300.00+\$ 20.00\right.$ ACRE) ${ }^{1}$
$\square$ AMENDING OR MINOR PLAT (\$150.00)

- PLAT REINSTATEMENT REQUEST $(\$ 100.00)$

SITE PLAN APPLICATION FEES:
$\square$ SITE PLAN (\$250.00 + \$20.00 ACRE) ${ }^{1}$

- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:
$\square$ ZONING CHANGE $(\$ 200.00+\$ 15.00 \text { ACRE })^{1}$
V SPECIFIC USE PERMIT $(\$ 200.00+\$ 15.00 \text { ACRE })^{182}$ $\square$ PD DEVELOPMENT PLANS $(\$ 200.00+\$ 15.00 \text { ACRE })^{1}$
OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
$\square$ VARIANCE REQUEST/SPECIAL EXCEPTIONS $(\$ 100.00)^{2}$ NOTES:
1: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE. 2: A $\$ 1,000.00$ FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.


SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFFS COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.
OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]


NOTARY VERIFICATION [REQUIRED]
BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CQriljS gO lis $\quad$ _OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:
"I HEREBY CERTIFY THAI AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF
$\qquad$ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE $\qquad$ DAY OF 20 -. BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWELL (IE. "CITY" IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED HFORMATVM
 GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE $\qquad$ 2022 OWNERS SIGNATURE


NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS Exalgef Sintriny Yoliond.
 DEVELOPMENT APPLICATION * CITY OF ROCKWALL * 385 SOUTH GOLIAD STREET • ROCKWALL, TX 75087 • [P] (972) 771-7745
 and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no
Planning \& Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745 guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user. Rockwall, Texas 75087 (P): (972) 771-7745
(W): www.rockwall.com

Planning \& Zoning Department 385 S. Goliad Street


Case Number:
Case Name:
Case Type:
Zoning:
Case Address:

Z2022-018
SUP for an Accessory Structure Zoning
Single-Family Estate 2 (SFE-2) 2914 FM 549

Date Saved: 4/12/2022
For Questions on this Case Call (972) 771-7745


City of Rockwall
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.


Case Number: Z2022-018

Case Name:
Case Type:
Zoning:
Case Address:

SUP for an Accessory Structure Zoning
Single-Family Estate 2 (SFE-2) 2914 FM 549

ROCKWALL 205 INVESTORS LLC
1 CANDLELITE TRAIL
HEATH, TX 75032

HOLLON GREGORY D 2778 S FM 549 ROCKWALL, TX 75032

PETTIFORD SEAN AND BRANDI 2884 FM 549
ROCKWALL, TX 75032

ARCADIA LAKES OF SOMERSET HOLDINGS LLC 2994 S FM549
ROCKWALL, TX 75032

KLUTTS FARM LLC
1604 NORTH HILLS DR ROCKWALL, TX 75087

HERRERA AARON J AND JENNIFER R AND FOREHAND DALE A AND AMELIA A

2816 FM 549
ROCKWALL, TX 75032

SOLIS CARLOS HERIBERTO AND CRYSTAL GARZASOLIS
2914 FM 549
ROCKWALL, TX 75032

OHMANN THOMAS J \& CAROL J 2744 S FM 549 ROCKWALL, TX 75032

WELCH CASEY K AND CATHARINE 2844 S FM 549 ROCKWALL, TX 75032

JONES DOUGLAS A 2994 FM 549 ROCKWALL, TX 75032

MARTINEZ JOSE DE JESUS LOPEZ 3401 FM 549
ROCKWALL, TX 75032

ARCADIA LAKES OF SOMERSET HOLDINGS LLC 3500 MAPLE AVENUE \#1165

DALLAS, TX 75219

Property Owner and/or Resident of the City of Rockwall:
You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

## Case No. Z2022-018: SUP for an Accessory Structure

Hold a public hearing to discuss and consider a request by Carlos and Crystal Solis for the approval of a Specific Use Permit (SUP) for an Accessory Building on a 3.02-acre parcel of land identified as Lot 7R of the Lofland Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family Estate 2.0 (SFE2.0) District, addressed as 2914 FM-549, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 10, 2022 at $6: 00$ PM, and the City Council will hold a public hearing on Monday, May 16, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

## Angelica Gamez

Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087
You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, May 16, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.
Sincerely,
Ryan Miller, AICP
Director of Planning \& Zoning


MORE INFORMATION ON THIS CASE CAN BE FOUND AT: https://sites.google.com/site/rockwallplanning/development/development-cases

-     -         - PLEASE RETURN THE BELOW FORM


## Case No. Z2022-018: SUP for an Accessory Structure

## Please place a check mark on the appropriate line below:

$\square \mathrm{I}$ am in favor of the request for the reasons listed below.
$\square$ I am opposed to the request for the reasons listed below.

## Name:

## Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

> PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

## Case No. Z2022-018: SUP for an Accessory Structure

## Please place a check mark on the appropriate line below:

am in favor of the request for the reasons listed below.I am opposed to the request for the reasons listed below.

OBJECTIONS

Name:


Address:

$$
2816 \text { Fm } 549
$$

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

## PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

| From: | Pettiford, Brandi <Brandi.Ragsdale@UTDallas.edu |
| :--- | :--- |
| Sent: | > Monday, May 9, 2022 9:24 AM |
| To: | Planning |
| Cc: | s.pettiford@live.com |
| Subject: | Case \# Z2022-018 |

Hello,
This is regarding case \# Z2022-018: SUP for an Accessory Structure. We live next door to this request. We are opposed to the request for the following reason. There is a lot of equipment laying around on this property and we believe that adding an additional small building would be more of any eyesore. We would prefer for them to be able to build a much larger accessory structure, so that more of the equipment on the property could be stored.

Thank you for this consideration.

Best Regards,
Sean and Brandi Pettiford
2884 FM 549
Rockwall, TX

This email was scanned by Bitdefender

[^3]```
From: Carlos Crystal Solis
To: Planning
Date: Tuesday, April 12, 2022 2:14:35 PM
Attachments: Utility Building Plans.pdf
2914 FM 549 Rockwall, Tx }75032\mathrm{ Survey.pdf
```

To Whom it May Concern,
My husband and I moved to Rockwall in December 2019 for the great school district and to raise our family here. We would like to add a utility building on our property to use as an office that is detached from our home but is still on our property. We run a small business and since COVID started to office out of our home. We now have a 18 month old son and a 3 year old daughter who was diagnosed with Cerebal Palsy and epilepsy. She just started school in Rockwall ISD and being near her school and our home for work is becoming very important. Due to the traffic coming into Rockwall this will help avoid delays in pick up of our kids school and activities. The space desired for our office is 384 square feet. The exterior is to match the colors of our house. We hope that you can consider our request and approve the special use permit for our situation. If you have any questions please feel free to contact me anytime.

Sincerely,
Crystal Solis
2914 FM 549
Rockwall, Tx 75032

469-644-7966

This email was scanned by Bitdefender

[^4]



TABLE BUILDNGS


Right

## $\square=1 \mathrm{n}$

| Customer Signature: |
| :--- |
| Date: |

CITY OF ROCKWALL
HOUSING ANALYSIS FOR CASE NO. Z2022-018
PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745•EMAIL: PLANNING@ROCKWALL.COM

## ADJACENTHOUSING ATTRIBUTES

| ADDRESS | HOUSING TYPE | YEAR BUILT | HOUSE SF | ACCESSORYBUILDING | EXTERIOR MATERIALS |
| :---: | :---: | :---: | :---: | :---: | :---: |
| 3401 S FM 549 | Single-Family Home | 2004 | 1,500 | 221 | Metal |
| 2994 S FM 549 | Single-Family Home | 2005 | 4,919 | N/A | Brick |
| 2914 FM 549 | Single-Family Home | 2001 | 2,933 | 875 | Brick |
| 2884 FM 549 | Single-Family Home | 1996 | 2,204 | 3600 | Brick |
| 2844 FM 549 | Single-Family Home | 1996 | 4,076 | 480 | Brick |
| 2816 S. FM 549 | Single-Family Home | 1995 | 2,543 | N/A | Brick |
| 2778 S FM 549 | Single-Family Home | 1997 | 2,734 | 720 | Brick |
| 2744 S FM 549 | Single-Family Home | 1997 | 2,105 | 120 | Brick and Siding |
| 2716 FM 549 | Single-Family Home | 1997 | 3,422 | 1968 | Brick |
| 2676 S FM 549 | Single-Family Home | 1995 | 2,791 | N/A | Brick and Siding |
| 2638 S FM 549 | Single-Family Home | 1998 | 2,753 | 2400 | Brick |
| 2592 FM 549 | Vacant | N/A | N/A | N/A | N/A |
|  | AVERAGES: | 1998 | 2,907 | 1,298 |  |

CITY OF ROCKWALL
HOUSING ANALYSIS FOR CASE NO. Z2022-018
PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745•EMAIL: PLANNING@ROCKWALL.COM


3401 S. FM 549


2994 S. FM 549

## CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2022-018
PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745•EMAIL: PLANNING@ROCKWALL.COM


2914 S. FM 549


2884 FM 549

## CITY OF ROCKWALL

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PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745•EMAIL: PLANNING@ROCKWALL.COM


2844 FM 549


2816 S. FM 549

CITY OF ROCKWALL
HOUSING ANALYSIS FOR CASE NO. Z2022-018
PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745•EMAIL: PLANNING@ROCKWALL.COM


2778 S. FM 549


2744 S. FM 549

## CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2022-018
PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745•EMAIL: PLANNING@ROCKWALL.COM


2716 FM 549


2676 S. FM 549

## CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2022-018
PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745•EMAIL: PLANNING@ROCKWALL.COM


2638 S. FM 549


2592 FM 549

## CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-XXX


#### Abstract

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR AN ACCESSORY BUILDING ON A 3.02-ACRE TRACT OF LAND ZONED SINGLEFAMILY ESTATE 2.0 (SFE-2.0) DISTRICT AND IDENTIFIED AS LOT 7R, LOFLAND LAKE ESTATES NO. 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ( $\$ 2,000.00$ ) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.


WHEREAS, a request has been made by Carlos and Crystal Solis for the approval of a Specific Use Permit (SUP) for an accessory building that exceeds the maximum overall square footage permitted per lot as stipulated by the Unified Development Code (UDC), situated on a 3.02-acre tract of land, zoned Single-Family Estate 2.0 (SFE-2.0) District, and being identified as Lot 7R, Lofland Lake Estates No. 2 Addition, City of Rockwall, Rockwall County, Texas, addressed as 2914 S. FM-549, and being more specifically depicted in Exhibit 'A' of this ordinance, which herein after shall be referred to as the Subject Property and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the construction of a accessory building that does not conform to the minimum requirements for accessory buildings in a Single-Family Estate 2.0 (SFE-2.0) District as stipulated by Article 04, Permissible Uses, and Article 05, District Development Standards, of the Unified Development Code (UDC) [Ordinance No. 04-38] on the Subject Property; and

SECTION 2. That the Subject Property shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Section 3.3, Single Family Estate 2.0 (SFE-2.0) District, of Article 05, District Development Standards, of the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall as
heretofore amended, as amended herein by the granting of this zoning change, and as my be amended in the future, and shall be subject to the additional following conditions:

### 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an accessory building on the Subject Property and conformance to these requirements is necessary for continued operations:

1) The Accessory Building shall generally conform to the concept plan and the conceptual building elevations depicted in Exhibits ' $B$ ' \& ' $C$ ' of this ordinance.
2) The accessory building shall not exceed a maximum size of 390 SF;
3) The subject property shall not have more than one (2) accessory buildings;
4) The accessory building shall not exceed a maximum overall SF of 1,275 SF;
5) The accessory building shall not be operated as a commercial use; and,
6) The accessory building is subject to administrative review in the event that the Subject Property is sold, conveyed or altered in any manner.

### 2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, Specific Use Permits (SUP), of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC) will require compliance to the following:

1) Upon obtaining a Building Permit, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), Revocation, of Article 11, Development Applications and Revision Procedures, of the Unified Development Code (UDC) [Ordinance No. 20-02].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS $(\$ 2,000.00)$ for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE $6^{\text {th }}$ DAY OF JUNE, 2022.

## ATTEST:

Kristy Teague, City Secretary

## APPROVED AS TO FORM:

Frank J. Garza, City Attorney
$1^{\text {st }}$ Reading: May 16, 2022
$2^{\text {nd }}$ Reading: June 6, 2022

$\qquad$
 -

Exhibit ' $A$ ':
Location Map and Legal Description
Address: 2914 S. FM-549
Legal Description: Lot 7R of the Lofland Lake Estates No. 2 Addition



Exhibit ' $C$ ':
Building Elevations


MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Ryan Miller, Director of Planning and Zoning |
| DATE: | May 16, 2022 |
| SUBJECT: | Z2022-019; ZONING CHANGE (AG \& C TO PD) FOR GARAGES OF |
|  | TEXAS |

Attachments<br>Case Memo<br>Development Application<br>Location Map<br>HOA Notification Map<br>Property Owner Notification Map<br>Property Owner Notification List<br>Applicant's Letter<br>Legal Description<br>Survey<br>Concept Plan<br>Concept Rendering<br>Southwest Residential District<br>Draft Ordinance

Summary/Background Information
Hold a public hearing to discuss and consider a request by Fred Gans of CDC Equities, LLC for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses on a 13.55-acre tract of land identified as Lots $8 \mathrm{R}, 9 \mathrm{R} \& 10$ of the Rainbow Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, addressed as 5879, 5917 \& 5981 FM-3097 [Horizon Road], and take any action necessary (1st Reading).

Action Needed
The City Council is being asked to approve, approve with conditions, or deny the proposed Zoning Change.

TO:
DATE:
APPLICANT:
CASE NUMBER:

Mayor and City Council
May 16, 2022
Fred Gans; CDC Equities, LLC
Z2022-019; Zoning Change (AG \& C to PD) for Garages of Texas

## SUMMARY

Hold a public hearing to discuss and consider a request by Fred Gans of CDC Equities, LLC for the approval of a Zoning Change from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses on a 13.55-acre tract of land identified as Lots $8 \mathrm{R}, 9 \mathrm{R}$ \& 10 of the Rainbow Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, addressed as 5879, 5917 \& 5981 FM-3097 [Horizon Road], and take any action necessary.

## BACKGROUND

The subject property was platted as Lots 8,9 \& 10 of the Rainbow Acres Subdivision on October 25, 1962. On May 17, 2004 the subject property was annexed into the City of Rockwall by Ordinance No. $04-34$ [Case No. A2004-001]. At the time of annexation, the subject property was zoned Agricultural (AG) District. On September 7, 2004, the subject property was changed from an Agricultural (AG) District to a Commercial (C) District by Ordinance No. 04-50 [Case No. Z2004-027]. On April 26, 2006 Lots 8 \& 9 of the Rainbow Acres Subdivision were replatted [Case No. P2005-037] as Lots 8R \& 9R of the Rainbow Acres Subdivision. According to the Rockwall Central Appraisal District (RCAD), currently situated on the subject property are: [1] a 2,200 SF single-family home constructed in 2002, [2] a 1,200 SF detached garage constructed in 2002, [3] an 1,810 SF single-family home constructed in 1978, [4] a 340 SF barn constructed in 2003, [5] a 1,200 SF shop constructed in 2003, [6] a 80 SF storage building constructed in 2012, and [7] a 1,620 SF barn constructed in 2013. Beyond this no other improvements or zoning changes have been completed on the subject property since it was annexed.

## PURPOSE

On April 14, 2022, the applicant -- Fred Gans of CDC Equities, LLC -- submitted an application requesting to change the zoning of the subject property from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses. Specifically, the applicant is proposing to entitle the subject property to allow a Mini-Warehouse and Flex Office/Warehouse development consisting of 12 buildings with 161,100 SF of building area.

## ADJACENT LAND USES AND ACCESS

The subject property is addressed as 5879, 5917 \& 5981 FM-3097 [Horizon Road]. The land uses adjacent to the subject property are as follows:

North: $\quad$ Directly north of the subject property is a five (5) acre tract of vacant land (i.e. Tract 45-5 of the W. W. Ford Survey, Abstract No. 80). Beyond this is a 123.00-acre tract of vacant land (i.e. Tract 44-01 of the W. W. Ford Survey, Abstract No. 80) followed by a 131.39-acre tract of vacant land (i.e. Tract 43-01 of the W. W. Ford Survey, Abstract No. 80). All of these properties are zoned Agricultural (AG) District.

South: Directly south of the subject property is Horizon Road [FM-3097], which is identified as a TXDOT4D (Texas Department of Transportation, four [4] lane, divided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are the corporate limits of the City of Rockwall. South of this is the Buffalo Creek Subdivision in the City of Heath.

East: Directly east of the subject property is a five (5) acre tract of vacant land (i.e. Tract 45-5 of the W. W. Ford Survey, Abstract No. 80), and a 123.00-acre tract of vacant land (i.e. Tract 44-01 of the W. W. Ford Survey, Abstract No. 80). Both of these properties are zoned Agricultural (AG) District. Beyond this are two (2) tracts of land (i.e. Tracts 45-02 \& 45-07 of the W. W. Ford Survey, Abstract No. 80) with a 2,676 SF single-family home that was constructed in 1981. This property is zoned Single-Family Estate 1.5 (SFE-1.5) District. Beyond this is H. Wallace Lane, which is identified as a Minor Collector on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

West: $\quad$ Directly west of the subject property is: [1] a 2.29-acre parcel of land (i.e. Lot 7 of the Rainbow Acres Addition) with a residential structure that has been converted to non-residential land uses, [2] a 2.308-acre parcel of land (i.e. Lot 21 of the Rainbow Acres Addition) with a residential structure that has been converted to non-residential land uses, [3] a 1.84-acre parcel of land (i.e. Lot 12-2 of the Rainbow Acres Addition) with multiple non-residential structures situated on it, [4] a 1.50-acre parcel of land (i.e. Lot 12-1 of the Rainbow Acres Addition) with a non-residential structure situated on it, and [5] a 7.489-acre parcel of land (i.e. Lot 23 of the Rainbow Acres Addition) with a miniwarehouse facility situated on it. Beyond this are two (2) vacant parcels of land (i.e. Lot 12 \& 20 of the Rainbow Acres Addition). All of these properties are zoned Commercial (C) District.

## MAP 1: LOCATION MAP

YELLOW: SUBJECT PROPERTY


## CHARACTERISTICS OF THE REQUEST

The applicant has submitted a concept plan and development standards for the proposed development, which will consist of Mini-Warehouse and Flex Office/Warehouse land uses. The concept plan shows that the proposed development will consist of 12 buildings. Four (4) of these buildings will be dedicated solely to the Mini-Warehouse land use, six (6) of the buildings will allow Mini-Warehouse and/or Flex Office/Warehouse land uses, and two (2) of the buildings will be dedicated solely to Flex Office/Warehouse land uses. In total the applicant is proposing to have a maximum of 58 Mini-Warehouse units, 42 MiniWarehouse and/or Flex Office/Warehouse units, and 11 Flex Office/Warehouse units. This will all be situated within 161,100 SF of building area. While the Planned Development District does allow the applicant the ability to establish Commercial (C)

District land uses within these buildings, the applicant has consented to limiting the land uses allowed on the subject property. Specifically, staff has included land use prohibitions on: [1] certain retail/restaurant land uses that would be incompatible with the proposed development (e.g. craft winery, restaurant of any size, pawn shop, etc.), [2] land uses that are considered parking intensive (e.g. automobile rental, minor automotive repair garage, etc.), [3] assembly land uses (e.g. house of worship, hotel, etc.), and [4] land uses that would be incompatible with the potential residential development on the adjacent property to the east (e.g.. Recreational Vehicle Sales, New or Used Boat Trailer, Outside Storage, etc.).

With regard to the Mini-Warehouse land use, the applicant has indicated that the proposed land use will not function like a standard Mini-Warehouse. Specifically, these units will function as luxury garages that allow owners to customize these spaces and incorporate personal spaces in the units (e.g. living rooms, theater rooms, kitchens, etc.). These units are a for sale product and are individually deeded. This is one (1) of the reasons the applicant is requesting to allow the incorporation of small businesses into these units. Since the City's Conditional Land Use Standards for the Mini-Warehouse land use do not sufficiently regulate what the applicant is proposing, the only vehicle to accommodate this land use was a Planned Development District. According to Subsection 01.01, Purpose, of Article 10, Planned Development Regulations, of the Unified Development Code (UDC), "PD Districts are intended provide for the development of land as an integral unit for single or mixed use in accordance with the PD Concept Plan that may include uses, regulations, and other requirements that vary from this Unified Development Code (UDC) or from other ordinances, rules, or regulations of the City."

## INFRASTRUCTURE

Based on the applicant's concept plan, the following infrastructure is required to be constructed to provide adequate public services for the proposed development:
(1) Roadways. According to the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan, Horizon Road [FM-3097] is identified as a TXDOT4D (i.e. Texas Department of Transportation, four [4] lane, divided roadway), which requires 120 -feet of right-of-way. The applicant will be required to verify the width of the existing right-ofway and ensure that a minimum of 60 -feet from the centerline has been dedicated on the subject property.
(2) Water. The applicant will be required to construct an eight (8) inch water line loop through the site, tapping into the 12 inch line on the southside of the right-of-way from Horizon Road [FM-3097].
(3) Wastewater. The applicant will be required to tap into the eight (8) inch wastewater line that runs along the front property line of the subject property. In addition, the applicant will be required to pay an existing sewer pro-rata of $\$ 432.74$ per acre.
(4) Drainage. Detention will be required per the City's Engineering Standards of Design and Construction Manual. The applicant will also be required to perform a Wetlands and Waters of the United States (WOTUS) study for the existing ponds on the subject property.

## CONFORMANCE TO THE CITY'S CODES

According to Subsection 02.03, Minimum Standards for Non-Residential Planned Development Districts, of Article 10, Planned Development Regulations, of the Unified Development Code (UDC), "...the minimum standards for all non-residential development shall conform to the minimum standards for overlay districts, which are outlined in Subsection 06.02, General Overlay Districts Standards, of Article 05, District Development Standards." In this case, staff has prepared the Planned Development District ordinance in accordance with the General Overlay District Standards and all applicable City code requirements; however, it should be noted that the development standards contained within the Planned Development District ordinance deviate from the requirements of the Unified Development Code (UDC), the Municipal Code of Ordinances, and the Engineering Department's Standards of Design and Construction Manual in the following ways:
(1) Landscape Buffers Abutting Residential. According to Subsection 05.01, Landscape Buffers, of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC), "(a) minimum of a 20 -foot wide landscape buffer shall be required along the entire length of any non-residential lot that abuts a residentially zoned or used property." Currently, the property located directly east of the subject property is a vacant tract of land zoned Agricultural (AG) District. Despite being vacant, the Agricultural (AG) District is consider to be a residential zoning district. In addition, this property is
designated for Low Density Residential land uses on the Future Land Use Map contained in the OURHometown Vision 2040 Comprehensive Plan. Based on this the applicant's request would be subject to the 20 -foot landscape buffer requirements outline above. In lieu of this buffer, the applicant is proposing a ten (10) foot landscape buffer along the eastern property line. In proposing this buffer, the applicant has pointed out that no building will be located within 30 -feet of the eastern property line, and the only the reason for this request is to allow a 24 -foot firelane to extend around the backside of the buildings adjacent to the eastern property line.
(2) Screening from Residential Adjacency. According to Subsection 05.02, Landscape Screening, of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC), "(a)ny non-residential or multi-family land use or parking area that has a side or rear contiguous to any residentially zoned or used property shall be screened with a masonry fence a minimum of six (6) feet in height with canopy trees planted on 20 -foot centers ... As an alternative, the Planning and Zoning Commission may approve an alternative screening method that incorporates a wrought iron fence and three (3) tiered screening (i.e. [1] small to mid-sized shrubs, large shrubs or accent trees, and canopy trees or [2] evergreen trees and canopy trees) along the entire length of the adjacency ..." In this case, the draft ordinance requires ground cover, shrubbery and canopy trees planted on 20 -foot centers. While this does not exactly conform to the alternatives listed in Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC) it does appear to meet the intent of the screening standards. Staff should also point out that the applicant has stated that they intend to leave as many of the existing trees along this property line as possible. This should provide additional screening of the nonresidential land use. Staff should also note that the Planned Development District ordinance prohibits outside storage.
(3) Masonry. According to the General Overlay District Standards of Article 05, District Development Standards, of the Unified Development Code (UDC), each building's exterior façade should consist of $90 \%$ primary (or masonry) materials with a minimum of $20 \%$ natural or quarried stone being utilized. In this case, the applicant has provided conceptual building elevations and a conceptual rendering showing the proposed development. These conceptual plans do not appear to fully meet this standard. Based on this the applicant has consented to incorporating a requirement that states that all buildings that face onto Horizon Road [FM-3097] will adhere to the masonry requirements of the General Overlay District Standards.

## CONFORMANCE WITH OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN

According to the Land Use Plan contained in the OURHometown Vision 2040 Comprehensive Plan, the subject property is located within the Southwest Residential District and is designated for Commercial/Retail land uses. The District Strategies for the Southwest Residential District designate the subject property as a Transitional Area or an area "...currently transitioning from interim land uses and building types to more permanent structures with conforming land uses. These areas should be given special consideration with regard to requests that further the establishment of uses and structures that will improve the property values of the adjacent properties ..." In this case, the proposed concept plan would establish a conforming development that would have a positive impact on the adjacent properties and remove two (2) existing older structures at 5879 \& 5981 Horizon Road [FM-3097]. Based on this the applicant's request appears to conform with the OURHometown Vision 2040 Comprehensive Plan; however, all zoning changes are discretionary decisions for the City Council pending a recommendation from the Planning and Zoning Commission.

## NOTIFICATIONS

On April 25, 2022, staff mailed 16 notices to property owners and occupants within 500 -feet of the subject property. There were no Homeowner's Association (HOA) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had not received any notices concerning the case.

## CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request to rezone the subject property from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses, then staff would propose the following conditions of approval:
(1) The applicant shall be responsible for maintaining compliance with the concept plan and development standards contained in the Planned Development District ordinance.
(2) Any construction resulting from the approval of this Zoning Change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## PLANNING AND ZONING COMMISSION

On May 10, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the applicant's request for a Zoning Change by a vote of 6-0, with Commissioner Womble absent.

## PLANNING \& ZONING CASE NO.

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:
CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

## PLATTING APPLICATION FEES:

$\square$ MASTER PLAT $(\$ 100.00+\$ 15.00 \text { ACRE })^{1}$
$\square$ PRELIMINARY PLAT ( $\$ 200.00+\$ 15.00$ ACRE) ${ }^{1}$
$\square$ FINAL PLAT $(\$ 300.00+\$ 20.00 \text { ACRE })^{1}$
$\square$ REPLAT $(\$ 300.00+\$ 20.00 \text { ACRE })^{1}$
$\square$ AMENDING OR MINOR PLAT (\$150.00)
$\square$ PLAT REINSTATEMENT REQUEST (\$100.00)
SITE PLAN APPLICATION FEES:
$\square$ SITE PLAN $(\$ 250.00+\$ 20.00 \text { ACRE })^{1}$
$\square$ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

## ZONING APPLICATION FEES:

- ZONING CHANGE ( $\$ 200.00+\$ 15.00$ ACRE) ${ }^{1}$
$\square$ SPECIFIC USE PERMIT ( $\$ 200.00+\$ 15.00$ ACRE) ${ }^{182}$
$\square$ PD DEVELOPMENT PLANS ( $\$ 200.00+\$ 15.00$ ACRE) ${ }^{1}$
OTHER APPLICATION FEES:
$\square$ TREE REMOVAL ( $\$ 75.00$ )
$\square$ VARIANCE REQUEST/SPECIAL EXCEPTIONS $(\$ 100.00){ }^{2}$


## NOTES:

${ }^{1}$ : IN DETERMINING THE FEE, PLEASE USE THE EXACT AGREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) AGRE, 2: A $\$ 1,000.00$ FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]
ADDRESS 5879, 5917 and 5981 FM 3097, Rockwall, Texas 75032


- SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALEND AR WILL result in the denial of your case.
OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

| $\square$ OWNER | $\square$ APPLICANT | CDC Equities, LLC and/or assigns |
| ---: | ---: | :--- |
| CONTACT PERSON | CONTACT PERSON | Fred Gans |
| ADDRESS | ADDRESS | 2323 Tarpley Rd., Suite 100 |
| CITY, STATE \& ZIP |  |  |
| PHONE | CITY, STATE \& ZIP | Carrollton, TX 75006 |
| E-MAIL | PHONE | $866-379-3570$ |

NOTARY VERIFICATION [REQUIRED]
beFore me, the undersigned authority, on this day personally appeared fred A. Gans $\qquad$ [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:
"I HEREBY CERTIFY THATIAM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREINIS TRUE AND CORRECT; AND THE APPLICATION FEE OF $s$ $\qquad$ TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE $\qquad$ DAY OF 20 __ BY SIGNING THHS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONUUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLICINF ORMATION.".



City of Rockwall
Planning \& Zoning Department 385 S. Goliad Street Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.


Case Number: Z2022-019
Case Name: Zoning Change from AG to PD
Case Type: Zoning
Zoning: Agricultural (AG) District
Case Address: $\quad$ 5879, 5917, \& 5981 FM 3097

Date Saved: 4/14/2022
For Questions on this Case Call (972) 771-7745


City of Rockwall
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LUECKE PATRICIA L MRS<br>1110 OAKMONT DR RICHARDSON, TX 75081

DOMINGUEZ SALVADOR AND<br>DIANA DOMINGUEZ 209 RANCH TRL ROCKWALL, TX 75032

KUMAR ATUL 3508 MCFARLIN BLVD DALLAS, TX 75205

HORIZON ROAD SELF STORAGE LLC 5763 S STATE HWY 205 \#100 ROCKWALL, TX 75032

MCCOY SHIREE DAY 5879 FM 3097 ROCKWALL, TX 75032

WALLACE LAND PARTNERS LP

TTI MANAGEMENT GROUP LLC 1435 QUAIL RUN RD ROCKWALL, TX 75087

EPIC ROCKWALL VENTURES LLC
315 RANCH TR
ROCKWALL, TX 75032

AGARWAL ASHWANI K \& RACHNA
3508 MCFARLIN BLVD DALLAS, TX 75205

KUMAR ATUL
5811 FM 3097
ROCKWALL, TX 75032

## TTI MANAGEMENT GROUP LLC 5917 FM 3097 <br> ROCKWALL, TX 75032

2-W BROTHERS LLC 207 RANCH TRL ROCKWALL, TX 75032

HARDIN DENNIS \& JOLYNN JONES 34 LAKEWAY DR HEATH, TX 75032

DOMINGUEZ SALVADOR AND DIANA DOMINGUEZ 420 LYNNE DR ROCKWALL, TX 75032

HARDIN DENNIS \& JOLYNN JONES 5853 FM 3097
ROCKWALL, TX 75032

BINDER CARL JR 5981 FM 3097
ROCKWALL, TX 75032

# Concept Plan Informational Statement Planned Development Application 

Submitted on behalf of:<br>Garages of Texas Rockwall<br>2323 Tarpley Rd., Suite 100<br>Carrollton, TX 75006<br>214-738-3958<br>Mr. Mark Scott<br>mscott@garagesoftexas.com<br>Submitted by:<br>Bohler Engineering TX, LLC<br>6017 Main Street<br>Frisco, TX 75034<br>469-458-7300<br>Mr. Mathias Haubert, P.E.<br>mhaubert@bohlereng.com

Submitted to:
The City of Rockwall, Texas
Planning and Zoning Department
385 S. Goliad Street
Rockwall, TX 75087
Attn: Henry Lee

April 12, 2022

The Garages of Texas Rockwall is pleased to submit this Concept Plan Informational Statement along with our application to The City of Rockwall in support of a Planned Development application. This application, if approved, will allow for a commercial development on approximately $13.55 \pm$ acres, located $2,900 \pm$ LF southeast of the intersection of FM-3097 and Country Line Rd.

The project parcel is currently zoned (AG) Agriculture District and (C) Commercial District. The proposed (PD) Planned Development Zoning would have a base zoning district of (C) Commercial. All adjacent properties are zoned (AG) Agriculture, (PD) Planned Development (Residential) District, or (C) Commercial District, so the proposed use will be compatible with the adjacent properties. The proposed development is intended to be completed in one phase.

The City's Comprehensive Plan calls for the project parcel to be (CR) Commercial/Retail future land use. The proposed land use would be directly in compliance with what The City of Rockwall envisions for future development. With an approved Planned Development Concept Plan, the $13.55 \pm$ acre commercial development will provide stable jobs in a convenient location off of FM-3097 for the local residents in the area and travelers. Our team strongly believes that the Planned Development will assist with the growth of the City of Rockwall.

The entire development team looks forward to working with The City of Rockwall to make this vision for the parcel a reality and respectfully request support of Planned Development application.

Respectfully,

Mathias Haubert, P.E.



## RAINBO ACRES SURVEYED DESCRIPTION

Being a 13.541 acre tract of land situate in the W.W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, and a portion of a 70.06 acre tract of land described by deed conveyed to J. A. Wilkerson, Jr. dated March 29, 1941, from J. H. Weddington, recorded in Vol. 36, Page 522, Deed Records, Rockwall County, Texas (D.R.R.C.T.), said 13.541 acre tract of land being more particularly described as follows:

Lots 8R \& 9R, Replat of Rainbo Acres Addition, Lots 8 and 9, an Addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet F, Slides 377 and 378, Plat Records, Rockwall County, Texas (P.R.R.C.T.);

Together with, Lots 10 and 11 of Rainbo Acres Subdivision as shown by Plat recorded in Cabinet A, Slide 20, Plat Records of Rockwall County, Texas (P.R.R.C.T.), and being further described by metes and bound as follows:

BEGINNING at a $1 / 2^{\prime \prime}$ iron rod found being common to the westerly corner of said Lot 8 R Rainbo Acres Addition and the southerly corner of Lot 7 shown in said Cabinet A, Slide 20, said iron rod also being on the northeasterly right-of-way line of F.M. 3097 Horizon Road (a 100 foot width public right-of-way);

Thence departing said right-of-way line, North $44^{\circ} 39^{\prime} 29^{\prime \prime}$ East, along the line common with the northwesterly line of said Lot 8 R and the southeasterly line of Lots 7 \& 12 of said Rainbo Acres Subdivision, Cabinet A, Slide 20, 812.02 feet to a $1 / 2^{\prime \prime}$ iron rod found for the easterly corner of said Lot 12 and the southerly corner of Lot 25 , in accordance with the Replat of Rainbo Acres, Inst.\#20210000007850, Plat Records, Rockwall County, Texas (P.R.R.C.T.);

Thence North $44^{\circ} 10^{\prime} 42^{\prime \prime}$ East, along the line common with the northwesterly line of said Lot 8 R and the southeasterly line of said Lot $25,266.49$ feet to a $1 / 2^{\prime \prime}$ iron rod found for the northerly corner of said Lot $8 R$ and the easterly corner of said Lot 25 , said point being on the westerly line of a tract of land described by deed to Wallace Land Partners, recorded in Vol. 2017, Page 76, Deed Records, Rockwall County, Texas (D.R.R.C.T.);

Thence South $00^{\circ} 36^{\prime} 51^{\prime \prime}$ East, along the line common with the westerly line of said Wallace Land Partners and the easterly line of said Lots 8 R \& 9R, 682.52 feet to a $1 / 2^{\prime \prime}$ iron rod found for the easterly corner of said Lot $9 R$ and the northerly corner of said Lot 10, Rainbo Acres Subdivision, said point being on the westerly line of said Wallace Land Partners tract;

Thence South $00^{\circ} 58^{\prime} 38^{\prime \prime}$ East, along the line common with the westerly line of said Wallace Land Partners, the westerly line of a tract of land described by deed to Patricia Lou Wallace Luecke, recorded in Vol. 186, Page 11, Deed Records, Rockwall County, Texas (D.R.R.C.T.) and the easterly line of said Lots 10 \& 11, Rainbo Acres Subdivision, 862.18 feet to a $1 / 2^{\prime \prime}$ iron rod found for the southerly corner of said Lot 11 and the westerly corner of said Patricia Lou Wallace Luecke tract, said point being on the northeasterly right-of-way line of F.M. 3097 Horizon Road (a 100 foot width public right-of-way);

Thence North $45^{\circ} 05^{\prime} 54^{\prime \prime}$ West, along the line common with said northeasterly right-of-way line and the southwesterly line of said Lots 11 \& 10, Rainbo Acres Subdivision and said Lots 9R \& 8R, Rainbo Acres Addition, 1099.06 feet to the POINT OF BEGINNING and containing 13.541 acres of land, more or less.

Reference bearing basis being grid north, Texas state plane coordinates, north central zone, NAD83 (adjustment 2011, epoch date 2010), determined by GPS observations.

## FOR REVIEW ONLY



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COMMITMENT NUMBER 1001-30994-RTT - SCHEDULE A - EXHIBIT "A
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COMMITMENT NUMBER 1001-357550-RTT - SCHEDULE A - EXHIBIT "A"






$\xrightarrow[\text { COMMITMENT NUMBER 1001-357550-RTT - SCHEDLLE B - ITEM } 10]{\text { (EXCEPTONS FROM COVERAGE) }}$
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## SURVEYOR'S Notes















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DATE OF MAP OR PLAT: APRLL 12, 2022

## PRELIMINARY <br> 




## 18 SOUTHWEST RESIDENTIAL DISTRICT

## DISTRICT DESCRIPTION

The Southwest Residential District contains a mixture of land uses that include existing medium and low density residential, heavy commercial/retail land uses (i.e. National Drive, Sids Road, and Mims Road) and commercial land uses. In the future, this district is expected to continue to function as it does today with additional lowdensity master planned communities filling in the vacant land remaining in the central and southern areas of the district. In addition, the areas that are in transition are expected to continue to improve adding additional value to the City.

## DISTRICT STRATEGIES

The strategies for the Southwest Residential District are as follows:
(1) Suburban Residential. This district has several large tracts of land that can support highly amenitized master planned communities. Areas adjacent to the Oaks of Buffalo Way Subdivision should utilize larger lots adjacent to the subdivision to transition to a smaller lot sizes; however, these areas should incorporate a mix of larger to mid-sized lots.

(1) Current Suburban Residentia


Commercial/Industrial Land Uses. The areas around Sids Road, National Drive, and Mims Road are some of the only areas in the City that are designated for Commercial/Industrial land uses. As a result, these areas should be protected from the encroachment of incompatible land uses (i.e. residential land uses -- higher density or otherwise). This should protect the businesses that currently exist in these areas.
(3) Transitional Areas. The areas designated as Transitional Areas are currently transitioning from interim land uses and building types to more permanent structures with conforming land uses. These areas should be given special consideration with regard to requests that further the establishment of uses and structures that will improve the property values of the adjacent properties; however, the City should look to continue to discourage uses and structures that are situated within established floodplains.

Intersection of SH-276 and S. Goliad Street (Sids Road and S. Goliad Street). The intersection at Sids Road and S. Goliad Street [SH-205] -- also identified as the future intersection of SH-276 and S. Goliad Street -- is anticipated to be a major commercial intersection due to the high traffic volumes carried by both SH-276 and S. Goliad Street [SH-205]. This intersection will most likely have commercial at all four (4) corners and will create a major node along both highways.


POINTS OF REFERENCE
A. Windmill Ridge Subdivision
B. Lynden Park Estates Subdivision
C. Lake Rockwall Estates Subdivision
D. Oaks of Buffalo Way Subdivision

LAND USE PALETTES

- Current Land Use

Future Land Use


| $\square$ | COMMERCIAL/INDUSTRIAL (CI) | 120.50-ACRES |
| :--- | :--- | ---: |
| COMMERCIAL/RETAIL (CR) | 277.44 -ACRES |  |
| $\square$ | LOW DENSITY RESIDENTIAL (LDR) | $1,106.20-A C R E S$ |
| $\square$ | MEDIUM DENSITY RESIDENTIAL (MDR) | $481.39-A C R E S$ |
| $\square$ | PARKS AND OPEN SPACE (OS) | $489.99-A C R E S$ |
| $\square$ | QUASI-PUBLIC (QP) | 8.67-ACRES |

## CITY OF ROCKWALL

ORDINANCE NO. 22-XX


#### Abstract

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM AN AGRICULTURAL (AG) DISTRICT AND COMMERCIAL (C) DISTRICT TO A PLANNED DEVELOPMENT DISTRICT XX (PD-XX) FOR LIMITED COMMERCIAL (C) DISTRICT LAND USES ON THE SUBJECT PROPERTY, BEING A 13.55-ACRE TRACT OF LAND IDENTIFIED AS LOTS 8R, 9R, \& 10 OF THE RAINBOW ACRES SUBDIVSION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY EXHIBIT 'A' AND DEPICTED HEREIN BY EXHIBIT 'B'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS $(\$ 2,000.00)$ FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.


WHEREAS, the City has received a request from Fred Gans of CDC Equities, LLC for a change in zoning from an Agricultural (AG) District and Commercial (C) District to a Planned Development District for limited Commercial (C) District land uses for a 13.55-acre tract of land identified as Lots 8R, 9R, \& 10 of the Rainbow Acres Subdivision, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District and Commercial (C) District, and more fully described in Exhibit ' $A$ ' and depicted in Exhibit ' $B$ ' of this ordinance, which hereinafter shall be referred to as the Subject Property and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code [Ordinance No. 20-02] should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Subject Property shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future;

SECTION 2. That development of the Subject Property shall generally be in accordance with the Concept Plan, depicted in Exhibit ' $C$ ' of this ordinance, attached hereto and incorporated herein by reference as Exhibit ' $C$ ', which is deemed hereby to be a condition of approval of the amended zoning classification for the Subject Property;

SECTION 3. That development of any buildings on the Subject Property shall generally be in accordance with the Concept Building Elevations, depicted in Exhibit ' $D$ ' of this ordinance,
attached hereto and incorporated herein by reference as Exhibit ' $D$ ', which is deemed hereby to be a condition of approval of the amended zoning classification for the Subject Property;

SECTION 4. That development of the Subject Property shall generally be in accordance with the Development Standards, outlined in Exhibit ' $E$ ' of this ordinance, attached hereto and incorporated herein by reference as Exhibit ' $E$ ', which is deemed hereby to be a condition of approval of the amended zoning classification for the Subject Property;

SECTION 5. That the official zoning map of the City be corrected to reflect the changes in the zoning described herein;

SECTION 6. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 7. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable;

SECTION 8. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the Unified Development Code), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

SECTION 9. That this ordinance shall take effect immediately from and after its passage;
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE $6^{\text {TH }}$ DAY OF JUNE, 2022.

Kevin Fowler, Mayor
ATTEST:

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney
$1^{\text {st }}$ Reading: May 16, 2022
$2^{\text {nd }}$ Reading: June 6, 2022

BEING a 13.541-acre tract of land situate in the W.W. Ford Survey, Abstract No. 80, City of Rockwall, Rockwall County, Texas, and a portion of a 70.06 -acre tract of land described by deed conveyed to J. A. Wilkerson, Jr. dated March 29, 1941, from J. H. Weddington, recorded in Vol. 36, Page 522, Deed Records, Rockwall County, Texas (D.R.R.C.T.), said 13.541-acre tract of land being more particularly described as follows:

Lots 8 R \& 9R, Replat of Rainbo Acres Addition, Lots 8 and 9, an Addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet F, Slides 377 and 378, Plat Records, Rockwall County, Texas (P.R.R.C.T.);

Together with, Lots 10 and 11 of Rainbo Acres Subdivision as shown by Plat recorded in Cabinet A, Slide 20, Plat Records of Rockwall County, Texas (P.R.R.C.T.), and being further described by metes and bound as follows:

BEGINNING at a $1 / 22^{\prime \prime}$ iron rod found being common to the westerly corner of said Lot 8 R Rainbo Acres Addition and the southerly corner of Lot 7 shown in said Cabinet A, Slide 20, said iron rod also being on the northeasterly right-of-way line of F.M. 3097 Horizon Road (a 100 foot width public right-of-way);

THENCE departing said right-of-way line, North $44^{\circ} 39^{\prime} 29^{\prime \prime}$ East, along the line common with the northwesterly line of said Lot 8 R and the southeasterly line of Lots 7 \& 12 of said Rainbo Acres Subdivision, Cabinet A, Slide 20, 812.02 feet to a $1 / 2$ " iron rod found for the easterly corner of said Lot 12 and the southerly corner of Lot 25, in accordance with the Replat of Rainbo Acres, Inst.\#20210000007850, Plat Records, Rockwall County, Texas (P.R.R.C.T.);

THENCE North $44^{\circ} 10^{\prime} 42^{\prime \prime}$ East, along the line common with the northwesterly line of said Lot 8 R and the southeasterly line of said Lot $25,266.49$ feet to a $1 / 2$ " iron rod found for the northerly corner of said Lot 8 R and the easterly corner of said Lot 25 , said point being on the westerly line of a tract of land described by deed to Wallace Land Partners, recorded in Vol. 2017, Page 76, Deed Records, Rockwall County, Texas (D.R.R.C.T.);

THENCE South $00^{\circ} 36^{\prime} 51^{\prime \prime}$ East, along the line common with the westerly line of said Wallace Land Partners and the easterly line of said Lots 8 R \& 9R, 682.52 feet to a $1 / 2{ }^{\prime \prime}$ iron rod found for the easterly corner of said Lot 9R and the northerly corner of said Lot 10, Rainbo Acres Subdivision, said point being on the westerly line of said Wallace Land Partners tract;

THENCE South $00^{\circ} 58^{\prime} 38^{\prime \prime}$ East, along the line common with the westerly line of said Wallace Land Partners, the westerly line of a tract of land described by deed to Patricia Lou Wallace Luecke, recorded in Vol. 186, Page 11, Deed Records, Rockwall County, Texas (D.R.R.C.T.) and the easterly line of said Lots 10 \& 11, Rainbo Acres Subdivision, 862.18 feet to a $1 / 2$ " iron rod found for the southerly corner of said Lot 11 and the westerly corner of said Patricia Lou Wallace Luecke tract, said point being on the northeasterly right-of-way line of F.M. 3097 Horizon Road (a 100 foot width public right-of-way);

THENCE North $45^{\circ} 05^{\prime} 54^{\prime \prime}$ West, along the line common with said northeasterly right-of-way line and the southwesterly line of said Lots 11 \& 10, Rainbo Acres Subdivision and said Lots 9R \& 8R, Rainbo Acres Addition, 1099.06 feet to the POINT OF BEGINNING and containing 13.541 acres of land, more or less.

Reference bearing basis being grid north, Texas state plane coordinates, north central zone, NAD83 (adjustment 2011, epoch date 2010), determined by GPS observations.





All development occurring within the boundaries of the Subject Property shall conform to the development and land use standards contained in this Planned Development District ordinance. Development and land use standards not explicitly mentioned in this ordinance shall be governed by Ordinance No. 20-02 and be subject to all pertinent development and land use standards for a Commercial (C) District as specified by the Unified Development Code (UDC). All sections of the Unified Development Code (UDC) referenced in this section of the Planned Development District Ordinance shall be as is and as amended in the future.

## E. 1 PURPOSE.

The purpose of this Planned Development District is to provide provisions that control the development of a Mini-Warehouse Facility and Office/Warehouse Buildings on the subject property.

## E. 2 LAND USE AND DEVELOPMENT STANDARDS.

(1) Permitted Uses. Unless specifically provided for by this Planned Development District Ordinance, only those uses permitted within the Commercial (C) District, as stipulated by Article 04, Permissible Uses, of the Unified Development Code (UDC), as heretofore amended, as amended herein by granting this zoning change, and as may be amended in the future; however, the following conditions shall apply:
(a) The following land uses shall be permitted By-Right:

- Mini-Warehouse ${ }^{1}$
- Warehouse ${ }^{2}$


## Notes:

${ }^{(1)}$ : The following Conditional Land Use Standards are required with the establishment of this land use:
(1) A caretakers quarters shall prohibited in conjunction with the Mini-Warehouse land use.
(2) The front, side and rear building setback areas shall be landscaped. Landscaping should be clustered, creating interesting relief from the large industrial nature of the buildings. This will be reviewed at the time of site plan for conformance.
(3) The commercial operation of rental trucks and trailers shall be prohibited.
(4) Businesses shall be permitted to operate in the individual units; however, the business shall conform to the permitted uses as specified in this Planned Development District Ordinance.
(5) No outside storage of any kind shall be allowed.
(6) Lighting standards shall be limited to 20 -feet.
${ }^{(2)}$ : As an accessory use to an office.
(b) The following land uses shall be expressly Prohibited:

- Agricultural Uses on Unplatted Land
- Animal Boarding/Kennel without Outside Pens
- Animal Clinic for Small Animals without Outdoor Pens
- Animal Hospital or Clinic
- Community Garden
- Urban Farm
- Covenant, Monastery, or Temple
- Limited Service Hotel
- Full-Service Hotel
- Residence Hotel
- Motel
- Assisted Living Facility
- Blood Plasma Donor Center
- Cemetery/Mausoleum
- Church/House of Worship
- College, University, or Seminary
- Convalescent Care Facility/Nursing Home
- Congregate Care Facility/Elderly Housing
- Daycare Facility
- Emergency Ground Ambulance Services
- Government Facility
- Hospice
- Hospital
- Public Library
- Mortuary or Funeral Chapel
- Local Post Office
- Regional Post Office
- Public or Private School
- Financial Institution with a Drive-Through
- Temporary Carnival, Circus, or Amusement Ride
- Indoor Commercial Amusement/Recreation
- Outdoor Commercial Amusement/Recreation
- Public or Private Community or Recreation Club as an Accessory Use
- Private Country Club
- Golf Driving Range
- Temporary Fundraising Events by Non-Profit
- Indoor Gun Club with Skeet or Target Range
- Health Club or Gym
- Private Club, Lodge or Fraternal Organization
- Private Sports Arena, Stadium, and/or Track
- Tennis Courts (i.e. Not Accessory to a Public or Private Country Club)
- Theater
- Antique/Collectible Store
- Astrologer, Hypnotist, or Psychic
- Banquet Facility/Event Hall
- Portable Beverage Service Facility
- Brew Pub
- Business School
- Catering Service
- Temporary Christmas Tree Sales Lot and/or Similar
- Copy Center
- Craft/Micro Brewery, Distillery and/or Winery
- Incidental Display
- Food Trucks/Trailers
- Garden Supply/Plant Nursery
- General Personal Service
- Hair Salon and/or Manicurist
- Laundromat with Dropoff/Pickup Services
- Self Service Laundromat
- Massage Therapist
- Private Museum or Art Gallery
- Night Club, Discotheque, or Dance Hall
- Pawn Shop
- Permanent Cosmetics
- Pet Shop
- Temporary Real Estate Sales Office
- Rental Store without Outside Storage and/or Display
- Restaurant with less than 2,000 SF with Drive-Through or Drive-In
- Restaurant with less than 2,000 SF without Drive-Through or Drive-In
- Restaurant with 2,000 SF or more with Drive-Through or Drive-In
- Restaurant with 2,000 SF or more without Drive-Through or Drive-In
- Retail Store with Gasoline Sales that has Two (2) or less Dispensers (i.e. a Maximum of Four [4] Vehicles)
- Retail Store with Gasoline Sales that has more than Two (2) Dispensers
- Secondhand Dealer
- Tailor, Clothing, and/or Apparel Shop
- Bail Bond Service
- Building and Landscape Material with Outside Storage
- Electrical, Watch, Clock, Jewelry and/or Similar Repair
- Furniture Upholstery/Refinishing and Resale
- Rental, Sales and Service of Heavy Machinery and Equipment
- Locksmith
- Shoe and Boot Repair and Sales
- Trade School
- Minor Automotive Repair Garage
- Automobile Rental
- New or Used Boat and Trailer Dealership
- Full Service Car Wash and Auto Detail
- Self Service Car Wash
- New Motor Vehicle Dealership for Cars and Light Trucks
- Used Motor Vehicle Dealership for Cars and Light Trucks
- Commercial Parking
- Recreational Vehicle (RV) Sales and Service
- Service Station
- Temporary Asphalt or Concrete Batch Plant
- Mining and Extraction of Sand, Gravel, Oil and/or Other Materials
- Commercial Antenna
- Antenna for an Amateur Radio
- Radio Broadcasting
(2) Density and Dimensional Requirements. Unless specifically provided by this Planned Development District ordinance, the density and dimensional standards stipulated by the Commercial (C) District, as specified by Article 05, District Development Standards, of the Unified Development Code (UDC) are applicable to all development of the Subject Property. All development shall also conform to the following additional standards:
(a) Building Height. The building height for all buildings shall be limited to a maximum height of 36 -feet.
(3) Architectural and Building Standards. Unless specifically provided by this Planned Development District ordinance, the development standards stipulated by the Commercial (C) District, as specified by Article 05, District Development Standards, of the Unified Development Code (UDC) are applicable to all development of the

Subject Property; however, the buildings shall generally adhere to the Concept Building Elevations contained in Exhibit 'D'. In addition, buildings fronting onto or that have visibility from Horizon Road (FM-3097) shall meet the General Overlay District Standards stipulated by Section 06, Overlay Districts, of Article 05, District Development Standards, of the Unified Development Code (UDC). These standards shall only apply to the building façades front onto or that have visibility from Horizon Road (FM-3097).
(4) Landscaping and Hardscape Standards. Unless specifically provided by this Planned Development District ordinance, the landscape and hardscape standards stipulated by Article 05, District Development Standards, and Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC) are applicable to all development of the Subject Property. In addition, the landscape buffer requirements for the development of the Subject Property shall be as follows:
(a) Landscape Buffer and Sidewalk (Horizon Road). A minimum of a 20 -foot landscape buffer shall be provided along Horizon Road (FM-3097) (outside of and beyond any required right-of-way dedication), and shall incorporate ground cover, a built-up undulating berm and shrubbery along the entire length of the frontage. Berms and shrubbery shall have a minimum height of 30 -inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100 -feet of linear frontage. A meandering/curvilinear six (6) foot trail shall be constructed within the 20 -foot landscape buffer.
(b) Landscape Areas Adjacent to the Eastern Property Line. A minimum of a ten (10) foot landscape buffer shall be provided adjacent to the eastern boundary (i.e. adjacent to Tracts 44-01 \& 45-5 of the W. W. Ford Survey, Abstract No. 80), and shall incorporate ground cover and a shrubbery along the entire length of the frontage. Within this buffer the applicant shall provide canopy trees on 20foot centers along the entire adjacency.
(5) Variances. The variance procedures and standards for approval that are set forth in the Unified Development Code (UDC) shall apply to any application for variances to this ordinance.

MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Ryan Miller, Director of Planning and Zoning |
| DATE: | May 16, 2022 |
| SUBJECT: | Z2022-020; ZONING CHANGE (AG TO LI) FOR 4649 SH-276 |

Attachments<br>Case Memo<br>Development Application<br>Location Map<br>HOA Notification Map<br>Property Owner Notification Map<br>Property Owner Notification List<br>Applicant's Letter<br>Legal Description<br>Survey<br>Concept Plan<br>Southwest Residential District<br>Permitted Use Charts for the Light Industrial (LI) District<br>Draft Ordinance

## Summary/Background Information

Hold a public hearing to discuss and consider a request by Hellen Byrd on behalf of Donald Valk for the approval of an ordinance for a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 14.78-acre tract of land identified as Tracts $8 \& 8-1$ of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as 4649 SH276, and take any action necessary (1st Reading).

## Action Needed

The City Council is being asked to approve, approve with conditions, or deny the proposed Zoning Change.

| TO: | Mayor and City Council |
| :--- | :--- |
| DATE: | May 16, 2022 |
| APPLICANT: | Hellen Byrd |
| CASE NUMBER: | Z2022-020; Zoning Change (AG to LI) for 4649 SH-276 |

## SUMMARY

Hold a public hearing to discuss and consider a request by Hellen Byrd on behalf of Donald Valk for the approval of a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 14.78-acre tract of land identified as Tracts 8 \& 8-1 of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH-276 Overlay (SH-276 OV) District, addressed as $4649 \mathrm{SH}-276$, and take any action necessary.

## BACKGROUND

The subject property was annexed on December 22, 2008 by Ordinance No. $08-65$ [Case No. A2008-003]. At the time of annexation, the subject property was zoned Agricultural (AG) District. According to the Rockwall Central Appraisal District (RCAD), currently situated on the subject property are [1] a 2,607 SF single-family home constructed in 1988, [2] a 1,600 SF shop constructed in 1993, [3] a 576 SF and a 450 SF detached carport both constructed in 2005, [4] a 144 SF and a 216 SF accessory building both constructed in 1975. Beyond this no additional improvements or changes to the zoning designation have been made on the subject property since it was annexed.

## PURPOSE

On April 14, 2022, the applicant - Hellen Byrd -- submitted an application requesting to change the zoning of the subject property from an Agricultural (AG) District to a Light Industrial (LI) District.

## ADJACENT LAND USES AND ACCESS

The subject property is addressed as $4649 \mathrm{SH}-276$. The land uses adjacent to the subject property are as follows:
North: Directly north of the subject property are the corporate limits of the City of Rockwall. Beyond this is $\mathrm{SH}-276$, which is identified as a TXDOT6D (i.e. a Texas Department of Transportation, six [6] lane, divided roadway] on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. North of this thoroughfare are multiple properties situated within the City's Extraterritorial Jurisdiction (ETJ) with residential and non-residential structures constructed on them.

South: Directly south of the subject property is a 132.4354 -acre tract of land (i.e. Tract 1 of the J. Lockhart Survey, Abstract No. 137). This property is zoned Planned Development District 76 (PD-76) for Single-Family 1 (SF-1) District land uses. Beyond this are the corporate limits of the City of Rockwall. South of this are two (2) tracts of land (i.e. Tracts 17 \& 17-01 of the J. Lockhart Survey, Abstract No. 137) situated within City's Extraterritorial Jurisdiction (ETJ) with residential structures constructed on them.

East: $\quad$ Directly east of the subject property is a 9.916 -acre tract of land (i.e. Tract 10 of the J. H. Bailey Survey, Abstract No. 34), which has a single-family home constructed on it. East of this is a vacant ten (10) acre tract of land (i.e. Tract 9 of the J. H. Bailey Survey, Abstract No. 34), which is vacant. Beyond this is a 11.53 -acre tract of land (i.e. Tract 7 of the J. H. Bailey Survey, Abstract No. 34), which has non-residential structures constructed on it. All of these properties are zoned Agricultural (AG) District.

West: Directly west of the subject property is a $15-$ acre tract of land (i.e. Tract 6 of the J. H. Bailey Survey, Abstract No. 34), which has multiple non-residential structures situated on it. West of this is a ten (10) acre tract of land (i.e. Tract 3 of the J. H. Bailey Survey, Abstract No. 34) with multiple non-residential structures situated on it. Beyond this is a ten (10) acre tract of land (i.e. Tract 4 of the J. H. Bailey Survey, Abstract No. 34), which has an agricultural structure situated on it. All of these properties are zoned Agricultural (AG) District.

## CONFORMANCE TO THE CITY'S CODES

According to Subsection 05.02, Light Industrial (LI) District, of Article 05, District Development Standards, of the Unified Development Code (UDC), "(t)he Light Industrial (LI) District is a zoning district intended to create a limited industrial zone that provides for modern types of industrial land uses ... [and] is intended for industrial parks and larger, cleaner types of industries." The applicant has provided a concept plan showing an intent to establish a Mini-Warehouse Facility and Multiple Flex/Warehouse Buildings on the subject property. According to the Permissible Use Charts contained in Article 04, Permissible Uses, of the Unified Development Code (UDC), these land uses are permitted within the Light Industrial (LI) District; however, the Mini-Warehouse land use has Conditional Land Use Standards that are required to be meet in order to establish the land use in the Light Industrial (LI) District. Section 05.02 of Article 05 of the Unified Development Code (UDC) goes on to state that "(t)he locations for these types of industrial land uses are typically a minimum of two (2) acres and average of five (5) to ten (10) acres ... (s)ince this zoning designation accommodates limited industrial activities that require substantial screening and buffering requirements, the Light Industrial (LI) District is a suitable zoning designation for high visibility locations (e.g. IH-30 and SH-276) ..." In this case, the subject property is a 14.78 -acre tract of land that has direct frontage along $\mathrm{SH}-276$. If rezoned, the property would be subject to the density and dimensional requirements for a property in a Light Industrial (LI) District as specified by Subsection 07.03, Non-Residential District Development Standards, of Article 05, District Development Standards, of the Unified Development Code (UDC), and which are summarized as follows:

TABLE 1: LIGHT INDUSTRIAL (LI) DISTRICT STANDARDS

| Minimum Lot Area | 12,500 SF |
| :---: | :---: |
| Minimum Lot Width | 100' |
| Minimum Lot Depth | 125' |
| Minimum Front Yard Setback ${ }^{(1)}$ | 25 |
| Minimum Side Yard Setback ${ }^{(2)}$ \& (3) | $15^{\prime}+1 / 2$ Height Over $36^{\prime}$ |
| Minimum Rear Yard Setback ${ }^{(2)}$ \& (3) | 10' |
| Minimum Between Buildings ${ }^{(2) ~ \& ~(3) ~}$ | $15^{\prime}+1 / 2$ Height Over $36^{\prime}$ |
| Maximum Building Height ${ }^{(4)}$ | 60' |
| Maximum Building Size | N/A |
| Maximum Lot Coverage | 60\% |
| Minimum Landscaping | 15\% |

## General Notes:

1: From future right-of-way as shown on the adopted Master Thoroughfare Plan or as actually exists, whichever is greater.
2. Not to exceed 50-feet.

3: $1 / 2$ Height Over 36 -feet with a fire rated wall.
4: Building height may be increased up to 120 -feet if approved through a Specific Use Permit (SUP) by the Planning and Zoning Commission and City Council.

Staff should note that while the applicant has submitted a concept plan showing the future of development of the subject property, nothing on this concept plan would exempt the applicant from the requirements of the Light Industrial (LI) District or the SH-276 Overlay (SH-276 OV) District. In addition, if this zoning change is approved and when the subject property is developed, the development will be required to conform to all the requirements of the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, and any other applicable local, state or federal requirements.

## CONFORMANCE WITH OURHOMETOWN VISION 2040 COMPREHENSIVE PLAN

According to the Land Use Plan contained in the OURHometown Vision 2040 Comprehensive Plan, the subject property is located within the South Central Estates District, which -- based on the District Description for the South Central Estates

District -- "...has the potential to have a mixture of land uses, but is currently relatively undeveloped." This section goes on to make the observation that "(a)long SH-276, there are currently some transitional commercial land uses and residential homes situated on long narrow lots." The subject property is one (1) of the transitional properties being referenced in this statement, having a lot depth of $2,678.33$-feet and an existing 2,607 SF single-family home situated on it. The Land Use Plan for this district designates the subject property for Technology/Employment land uses, which is "...characterized by employmentoriented businesses, which are generally situated in larger centers (i.e. Rockwall Technology Park) with access to key transportation networks." In addition, the Light Industrial (LI) District is one (1) of the two (2) zoning districts permitted under this Land Use Plan Designation. Based on this, the applicant's request to change the zoning of the subject property from Agricultural (AG) District to a Light Industrial (LI) District conforms to the Comprehensive Plan.

## INFRASTRUCTURE

Based on the proposed request, the following infrastructure is required to be constructed to provide adequate public services for any development of the subject property:
(1) Roadways. At the time of development, the developer shall verify the right-of-way width of SH-276 to ensure that the right-of-way meets the Texas Department of Transportation's (TXDOT's) requirements.
(2) Water. The subject property is located within the Blackland Water Supply Corporation's Certificate of Convenience and Necessity (CCN). Based on this the City will need a Will Serve letter from the Blackland Water Supply Corporation stating that they have the ability to serve the subject property and provide the necessary fire flows required by the City of Rockwall.
(3) Wastewater. There is currently no wastewater infrastructure within 100 -feet of the subject property. The applicant has indicated to staff that this site will be utilizing an On-Site Sewage Facility (OSSF) in accordance with Division 5, On-Site Sewage Facility, of the Municipal Code of Ordinances. This will be required to be reviewed and permitted through Rockwall County.
(4) Drainage. Detention will be required and need to be sized per Manning's C-Value for the zoning designation. The applicant will also be required to perform a Wetlands and Waters of the United States (WOTUS) study for the existing ponds on the subject property if this area is to be disturbed.

## STAFF ANALYSIS

The proposed zoning change is consistent with the Unified Development Code (UDC), and conforms to the OURHometown Vision 2040 Comprehensive Plan.

## NOTIFICATIONS

On April 25,2022 , staff mailed 12 notices to property owners and occupants within 500 -feet of the subject property. There are no Homeowner's Associations (HOAs) or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had not received any responses concerning the applicant's request.

## CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant's request to rezone the subject property from an Agricultural (AG) District to a Light Industrial (LI) District, then staff would propose the following conditions of approval:
(1) Any construction resulting from the approval of this Zoning Change shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

## PLANNING AND ZONING COMMISSION

On May 10, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the applicant's request for a Zoning Change by a vote of 6-0, with Commissioner Womble absent.

DEVELOPMENT APPLICATION
City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY
PLANNING \& ZONING CASE NO. $\quad$ 22022-820
NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:
CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [\$ELECT ONLY ONE BOX):

## PLATTING APPLICATION FEES: <br> $\square$ MASTER PLAT $(\$ 100.00+\$ 15.00 \text { ACRE })^{1}$ <br> $\square$ PRELIMINARY PLAT $(\$ 200.00+\$ 15.00 \text { ACRE })^{1}$ <br> $\square$ FINAL PLAT $(\$ 300.00+\$ 20.00 \text { ACRE })^{1}$ <br> $\square$ REPLAT $(\$ 300.00+\$ 20.00 \text { ACRE })^{1}$ <br> $\square$ AMENDING OR MINOR PLAT (\$150.00) <br> $\square$ PLAT REINSTATEMENT REQUEST ( $\$ 100.00$ ) <br> SITE PLAN APPLICATION FEES: <br> $\square$ SITE PLAN $(\$ 250.00+\$ 20.00 \text { ACRE })^{1}$ <br> $\square$ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN $(\$ 100.00)$

## ZONING APPLICATION FEES:

$\square$ ZONING CHANGE $(\$ 200.00+\$ 15.00 \text { ACRE })^{1}$
$\square$ SPECIFIC USE PERMIT $(\$ 200.00+\$ 15.00 \text { ACRE) })^{1 \& 2}$
$\square$ PD DEVELOPMENT PLANS $(\$ 200.00+\$ 15.00 \text { ACRE })^{1}$
OTHER APPLICATION FEES:
$\square$ TREE REMOVAL (\$75.00)
$\square$ VARIANCE REQUEST/SPECIAL EXCEPTIONS $(\$ 100.00)^{2}$ NOTES:
1: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAG $\ddagger$ WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE ROUND UP TO ONE (1) ACRE. 2. A $\$ 1,000.00$ FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING
PERMIT PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]
ADDRESS 4649 Hwy 276 Rockwall, TX 75032
SUBDIVIIION J.H. Bailey Survey, Abstract No. 34
LOT
BLOCK

$\square$ SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.
OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACTIORIGINAL SIGNATURES ARE REQUIRED]

| ロ OWNER | Donald Valk |
| ---: | :--- |
| CONTACT PERSON | Donald Valk |
| ADDRESS | 1450 TL Townsend Dr. Ste 100 |
| CITY, STATE\&ZIP | Rockwall,TX 75032 |
| PHONE | $972-722-2590$ |
| EMAIL | Don@Donvalk.com |


| $\square$ APPLICANT | Hellen Byrd |
| ---: | :--- |
| CONTACT PERSON | Hellen Byrd |
| ADDRESS | 1450 TL Townsend Dr. Ste 100 |
|  |  |
| CITY, STATE \&ZIP | Rockwall,TX 75032 |
| PHONE | $972-722-2590$ Ext. 108 |
| EMAIL | Hellen@platinumtx.com |

## NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED
 [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF



City of Rockwall
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor
Planning \& Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com the user.

Planning \& Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 (P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.


Case Number: Z2022-020
Case Name: Zoning Change from Ag to LI
Case Type: Zoning
Zoning: Agricultural (AG) District Case Address: $\quad 4649$ FM 3097

Date Saved: 4/14/2022
For Questions on this Case Call (972) 771-7745


Planning \& Zoning Department 385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

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Case Number: Z2022-020
Case Name: Zoning Change from AG to LI Case Type: Zoning
Zoning: Agricultural (AG) District Case Address: $\quad 4649$ FM 276

Date Saved: 4/14/2022
For Questions on this Case Call (972) 771-7745


COMMERCIAL CONSTRUCTION SPECIALTIES LP
10961 LAKESIDE DRIVE QUINLAN, TX 75474

JOHNSON JAY LYNN 2018 SUNNY CIR
ROCKWALL, TX 75032

SARAGUSA MICHAEL G 3290 HWY 276
ROCKWALL, TX 75032

HEARD GEORGE R
4649 HWY 276
ROCKWALL, TX 75032

SARAGUSA MICHAEL G 1113 CHIMNEYROCK TRL GARLAND, TX 75043

## HARLAN PROPERTIES INC

2404 TEXAS DR STE 103 IRVING, TX 75062

BOBALIK STEVE A
4521 STATE HIGHWAY 276 ROCKWALL, TX 75032

HAWKINS RONALD \& JENIREE 5005 BRIDGECREEK DR ROCKWALL, TX 75032

COMMERCIAL CONSTRUCTION SPECIALTIES LP
114 GUMBO
ROCKWALL, TX 75032

TOMAINO PROPERTIES LP 2626 COLE AVE STE 606

DALLAS, TX 75204

HAWKINS RONALD \& JENIREE
4571 HWY 276
ROCKWALL, TX 75032

HEARD GEORGE R PO BOX 56 ATLANTA, TX 75551

On behalf of Storage 365, Platinum Construction requests approval of a zoning change from agricultural to light industrial to accommodate a mixture of commercial uses for the undeveloped property located at 4649 State Highway 276, Rockwall, TX, 75032. The goals and objectives of this effort is to accommodate a mixture of uses that provide a range of services for neighbors and the surrounding area. The development will be guided and shaped by proposed development conditions and exhibits to ensure a compatible addition to the area.

As the population of the area continues to grow, the demand for self-storage also grows. The submarket shows a high occupancy rate at existing storage facilities. This proposal project will help meet demand while keeping prices competitive and reasonable. The office-warehouse for the flex buildings are designed to meet local neighborhood needs while providing an aesthetic retail front.

The proposal includes a total of 95,186-square feet of self-storage and mini warehouse. Buildings 1 and 2 will provide 54,436 SF of climate-controlled storage units. Building 1 will also be the front of the site and the leasing office will be located here. Buildings 2-6 will accommodate 40,750 SF of drive-up non-climate-controlled storage units.

The remainder of the property will contain 8 Flex buildings that will be used as office-warehquse or mini-warehouse with a total of 39,200 SF. All buildings will be one-story, $100 \%$ masonry on storage buildings 1,2 and flex building 8 . The remaining buildings will be metal structures.

This proposal includes an Access Variance request to accommodate one point of access from Hwy 276. We believe this is critical to the success of our development. The limited frontage and the existing creek/headwall at the northeast corner impact the possibility of a second driveway meeting driveway spacing requirements.

The hours of operation for the self-storage facility would be 6AM-10PM, seven days a week. The selfstorage portion would be secured by the perimeter buildings and fences/walls, as well as gated access for customers only. Security cameras and lighting will ensure security and safety for all customers and neighbors. The flex building tenants will not have access to the storage facility portion of the development.

As mentioned above, all buildings will be one-story in height with a mixture of masonry and metal buildings. Storage buildings 1, 2, and flex building 8 will be masonry, the remaining buildings metal. This will ensure that all areas of the facility that are visible from the road and residential district will look appealing. The site layout has been carefully constructed to bring a higher quality structure to the area. Perimeter storage buildings and connecting perimeter walls will seal the development from the residential/commercial neighbors. The large setback between the proposed building and neighbors will also include Red Tip Photinia's around the perimeter of the property for additional buffering and separation.

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE J.H. BAILEY SURVEY, ABSTRACT NOS. 34 \& 44, ROCKWALL COUNTY, TEXAS AND BEING A PART OF A 15.00 ACRE TRACT OF LAND AS DESCRIBED IN DEED TO GEORGE R. HEARD AND MITZI HEARD, AS RECORDED IN VOLUME 1202, PAGE 50 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 5/8" IRON ROD WITH RED CAP FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276, SAID POINT BEING IN THE WEST LINE OF SAID 15.00 ACRE GEORGE R. HEARD TRACT AND THE EAST LINE OF A 15.00 ACRE TRACT OF LAND AS DESCRIBED IN DEED TO COMMERCIAL CONSTRUCTION SPECIALTIES, LP, A TEXAS LIMITED PARTNERSHIP, AND RECORDED IN INSTRUMENT NUMBER 20190000023410 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, SAID POINT BEING SOUTH AT A DISTANCE OF 18.28 FEET FROM THE NORTHEAST CORNER OF SAID 15.00 ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT;

THENCE SOUTH $72^{\circ} 55^{\prime} 54^{\prime \prime}$ EAST AND FOLLOWING ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276 FOR A DISTANCE OF 86.96 FEET TO A 5/8" IRON ROD SET FOR CORNER;

THENCE SOUTH $89^{\circ} 20^{\prime} 24^{\prime \prime}$ EAST AND FOLLOWING ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276 FOR A DISTANCE OF 159.20 FEET TO A TXDOT MONUMENT FOUND FOR CORNER IN THE EAST LINE OF AFORESAID 15.00 ACRE GEORGE R. HEARD TRACT AND THE WEST LINE OF A 10.04 ACRE TRACT OF LAND CONVEYED TO MICHAEL G. SARAGUSA AS RECORDED IN VOLUME 4131, PAGE 153 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS;

THENCE SOUTH $00^{\circ} 00^{\prime} 00^{\prime \prime}$ EAST AND DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 276 AND FOLLOWING THE EAST LINE OF SAID 15.00 ACRE GEORGE R. HEARD TRACT, COMMON WITH THE WEST LINE OF SAID 10.04 ACRE MICHAEL G. SARAGUSA TRACT FOR A DISTANCE OF 2650.60 FEET TO A $1 / 2^{\prime \prime}$ IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 15.00 ACRE GEORGE R. HEARD TRACT AND THE SOUTHWEST CORNER OF SAID 10.04 ACRE MICHAEL G. SARAGUSA TRACT;

THENCE SOUTH $89^{\circ} 54^{\prime} 43^{\prime \prime}$ WEST AND FOLLOWING ALONG THE SOUTH LINE OF SAID 15.00 ACRE GEORGE R. HEARD TRACT FOR A DISTANCE OF 242.32 FEET TO A POINT FOR CORNER, FROM WHICH 1/2" IRON ROD FOUND BEARS NORTH $62^{\circ} 32^{\prime} 19^{\prime \prime}$ WEST AT A DISTANCE OF 0.76 FEET, SAID POINT BEING THE SOUTHEAST CORNER OF SAID 15.00 ACRE GEORGE R. HEARD TRACT AND THE SOUTHEAST CORNER OF AFORESAID 15.00 ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT;

THENCE NORTH $00^{\circ} 00^{\prime} 00^{\prime \prime}$ WEST AND FOLLOWING ALONG THE WEST LINE OF SAID 15.00 ACRE GEORGE R. HEARD TRACT AND THE EAST LINE OF SAID 15.00 ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT, FOR A DISTANCE OF 2678.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 14.7772 ACRES OF LAND, MORE OR LESS.



## 17 SOUTH CENTRAL ESTATES DISTRICT

## DISTRICT DESCRIPTION

The South Central Estates District has the potential to have a mixture of land uses, but is currently relatively undeveloped. The district does have a low density (i.e. Equestrian Meadows) and a medium density (i.e. West View) subdivision situated within the southern portions of the district. Along SH276, there are currently some transitional commercial land uses and residential homes situated on long narrow lots. This district is projected to transition to more intense commercial land uses along SH-276, but still maintain estate and rural residential land uses south of $\mathrm{SH}-276$. Much of the areas along SH-276 will depend on the viability and alignment of the future Outer Loop.

## POINTS OF REFERENCE

A. Equestrian Meadows Subdivision
B. Westhaven Subdivision


## DISTRICT STRATEGIES

Taking into account that the South Central Estates District has a large amount of mostly vacant or raw land with limited access to infrastructure (i.e. water and wastewater facilities), the following are the recommended strategies for this district:
(1) Opportunity Zone (Intersection of SH-276 \& FM-548). When constructed this intersection will be a major land use node in the district and have the potential to provide employment and professional campus land uses mixed with entertainment, restaurant and retail land uses that can create an "18-Hour" environment (i.e. an environment that provides the ability to live, work, shop and dine).
(2) Suburban Residential. The district has several large tracts of land that can support highly amenitized master planned communities. Any new Suburban Residential developments should include a mix of larger to mid-sized lots. In addition, newer subdivisions adjacent to existing larger lot subdivisions should provide a transition (e.g. larger lots or a large landscape buffer) adjacent to the existing subdivision. Due to the availability of infrastructure residential in this area may also be suitable for $11 / 2$-acre lots with septic systems.
3 Commercial/Retail Centers. Due to the anticipated alignment of the Outer Loop (i.e. current alignment of FM-548), the commercial/retail centers along SH-276 are ideal for larger scale retail businesses and restaurants that could support any office or residential development in the area. These areas could also provide neighborhood service uses intended to allow smaller commercial uses that can support adjacent residential land uses. All commercial developments should incorporate appropriate screening (e.g. berms, landscaping and large buffers) to transition uses.
(4) Business Center. The areas designated as Business Center are intended to provide space for larger office facilities and combination manufacturing/warehouse and office facilities (e.g. corporate headquarters). This area is also suitable for mixed office/commercial land uses.

(2) Future Suburba Residential
^ EMPLOYMENT DISTRICT (PAGE 1-15)
$\downarrow$ CITY OF McLENDON-CHISHOLM
 COMMERCIAL 16.69\% RESIDENTIAL 83.31\% MIXED USE 0.00\% BUSINESS CENTER COMMERCIAL/RETAIL (CR) HIGH DENSITY RESIDENTIAL (HDR) 1,566.88-ACRES MEDIUM DENSITY RESIDENTIAL (MDR) PARKS AND OPEN SPACE (OS) 414.30-ACRES

TECHNOLOGY/EMPLOYMENT CENTER (TEC)
177.95-ACRES


## 




| LEGEND: | PERMITTED LAND USES IN AN |  |  |
| :---: | :---: | :---: | :---: |
| Land Use NOT Permitted |  |  |  |
| P Land Use Permitted By-Right |  |  |  |
| P Land Use Permitted with Conditions | LIGHT INDUSTRIAL (LI) DISTRICT |  |  |
| S Land Use Permitted Specific Use Permit (SUP) |  |  |  |
| X Land Use Prohibited by Overlay District |  |  |  |
| A Land Use Permitted as an Accessory Use |  |  |  |
| LAND USE SCHEDULE | LAND USE DEFINITION REFERENCE [Reference Article 13, Definitions | CONDITIONAL USE REFERENCE Reference [Article 04 Permissible Uses] | LIGHT INDUSTRIAL (LI) DISTRICT |
| Financial Institution without Drive-Through | (1) |  | P |
| Office Building less than 5,000 SF | (2) |  | P |
| Office Building 5,000 SF or Greater | (2) |  | P |
| RECREATION, ENTERTAINMENT AND AMUSEMENT LAND USES | 2.02(E) | 2.03(E) |  |
| Temporary Carnival, Circus, or Amusement Ride | (1) | (1) | P |
| Indoor Commercial Amusement/Recreation | (2) | (2) | P |
| Outdoor Commercial Amusement/Recreation | (3) | (3) | S |
| Public or Private Community or Recreation Club as an Accessory Use | (4) |  | P |
| Private Country Club | (5) |  | P |
| Golf Driving Range | (6) |  | P |
| Temporary Fundraising Events by Non-Profit | (7) | (4) | P |
| Indoor Gun Club with Skeet or Target Range | (8) | (5) | P |
| Health Club or Gym | (9) |  | P |
| Private Club, Lodge or Fraternal Organization | (10) | (6) | P |
| Private Sports Arena, Stadium, and/or Track | (11) |  | P |
| Public Park or Playground | (12) |  | P |
| Sexually Oriented Businesses [Art. XI; CH. 12; Municipal Code] | (13) | (7) | S |
| Tennis Courts (i.e. Not Accessory to a Public or Private Country Club) | (14) |  | P |
| Theater | (15) |  | P |
| RETAIL AND PERSONAL SERVICES LAND USES | 2.02(F) | 2.03(F) |  |
| Portable Beverage Service Facility | (4) | (1) | S |
| Brew Pub | (5) |  | P |
| Business School | (6) |  | P |
| Catering Service | (7) |  | P |
| Temporary Christmas Tree Sales Lot and/or Similar Uses | (8) | (2) | P |
| Copy Center | (9) |  | P |
| Craft/Micro Brewery, Distillery and/or Winery | (10) | (3) | P |
| Incidental Display | (11) | (4) | P |
| Food Trucks/Trailers | (12) | (5) | P |
| Garden Supply/Plant Nursery | (13) |  | P |
| General Personal Service | (14) | (6) | S |
| General Retail Store | (15) |  | S |
| Hair Salon and/or Manicurist | (16) |  | S |
| Laundromat with Dropoff/Pickup Services | (17) |  | P |
| Self Service Laundromat | (18) |  | P |
| Private Museum or Art Gallery | (20) |  | P |
| Night Club, Discotheque, or Dance Hall | (21) |  | S |
| Pawn Shop | (22) |  | P |
| Permanent Cosmetics | (23) | (7) | A |


| LEGEND: |  |  |  |
| :---: | :---: | :---: | :---: |
| Land Use NOT Permitted |  |  |  |
| P Land Use Permitted By-Right | PERMITTED LAND USES IN AN |  |  |
| P Land Use Permitted with Conditions | LIGHT INDUSTRIAL (LI) DISTRICT |  |  |
| S Land Use Permitted Specific Use Permit (SUP) |  |  |  |
| X Land Use Prohibited by Overlay District |  |  |  |
| A Land Use Permitted as an Accessory Use |  |  |  |
| LAND USE SCHEDULE | LAND USE DEFINITION REFERENCE [Reference Article 13, Definitions | CONDITIONAL USE REFERENCE Reference [Article 04 Permissible Uses] | LIGHT INDUSTRIAL (LI) DISTRICT |
| Temporary Real Estate Sales Office | (25) |  | P |
| Rental Store without Outside Storage and/or Display | (26) | (8) | P |
| Restaurant with less than 2,000 SF with Drive-Through or Drive-In | (27) | (9) | S |
| Restaurant with less than 2,000 SF without Drive-Through or Drive-In | (28) |  | P |
| Restaurant with 2,000 SF or more with Drive-Through or Drive-In | (27) | (10) | P |
| Restaurant with 2,000 SF or more without Drive-Through or Drive-In | (28) |  | P |
| Retail Store with Gasoline Sales that has Two (2) or less Dispensers (i.e. a Maximum of Four [4] Vehicles) | (29) |  | P |
| Retail Store with Gasoline Sales that has more than Two (2) Dispensers | (29) |  | P |
| Secondhand Dealer | (30) |  | P |
| Art, Photography, or Music Studio | (31) |  | P |
| Taxidermist Shop | (34) |  | P |
| COMMERCIAL AND BUSINESS SERVICES LAND USES | 2.02(G) | 2.03(G) |  |
| Bail Bond Service | (1) |  | P |
| Building and Landscape Material with Outside Storage | (2) | (1) | P |
| Building and Landscape Material with Limited Outside Storage | (2) | (2) | P |
| Building Maintenance, Service, and Sales with Outside Storage | (3) | (3) | P |
| Building Maintenance, Service, and Sales without Outside Storage | (3) |  | P |
| Commercial Cleaners | (4) |  | P |
| Custom and Craft Work | (5) |  | P |
| Electrical, Watch, Clock, Jewelry and/or Similar Repair | (6) |  | P |
| Feed Store or Ranch Supply | (7) |  | S |
| Furniture Upholstery/Refinishing and Resale | (8) | (4) | P |
| Gunsmith Repair and Sales | (9) |  | P |
| Rental, Sales and Service of Heavy Machinery and Equipment | (10) | (5) | S |
| Locksmith | (11) |  | P |
| Machine Shop | (12) |  | P |
| Medical or Scientific Research Lab | (13) |  | P |
| Research and Technology or Light Assembly | (15) |  | P |
| Trade School | (17) |  | P |
| Temporary On-Site Construction Office | (18) | (6) | P |
| AUTO AND MARINE RELATED LAND USES | 2.02(H) | 2.03(H) |  |
| Major Auto Repair Garage | (1) | (1) | S |
| Minor Auto repair garage | (2) | (2) | S |
| Automobile Rental | (3) |  | S |
| New or Used Boat and Trailer Dealership | (4) | (3) | S |
| Full Service Car Wash and Auto Detail | (5) | (4) | P |
| Self Service Car Wash | (5) | (4) | P |
| New and/or Used Indoor Motor Vehicle Dealership/Showroom | (6) | (5) | S |
| New Motor Vehicle Dealership-for Cars and Light Trucks | (7) | (6) | S |


| LEGEND: | PERMITTED LAND USES IN AN |  |  |
| :---: | :---: | :---: | :---: |
| Land Use NOT Permitted |  |  |  |
| P Land Use Permitted By-Right |  |  |  |
| Land Use Permitted with Conditions | LIGHT INDUSTRIAL (LI) DISTRICT |  |  |
| S Land Use Permitted Specific Use Permit (SUP) |  |  |  |
| X Land Use Prohibited by Overlay District |  |  |  |
| A Land Use Permitted as an Accessory Use |  |  |  |
| LAND USE SCHEDULE | LAND USE DEFIIITION REFERENCE [Reference Article 13, Definitions | $\begin{aligned} & \text { CONDITIONAL USE } \\ & \text { REFERENCE } \\ & \text { Reference [Article 04, } \\ & \text { Permissible Uses] } \end{aligned}$ | LIGHT INDUSTRIAL (LI) DISTRICT |
| Used Motor Vehicle Dealership for Cars and Light Trucksł | (7) | (7) | A |
| Commercial Parking | (8) |  | P |
| Non-Commercial Parking Lot | (9) |  | P |
| Recreational Vehicle (RV) Sales and Service | (10) |  | S |
| Service Station | (11) | (8) | P |
| Towing and Impound Yard | (12) | (9) | S |
| Towing Service without Storage | (13) | (10) | P |
| Truck Rental | (14) |  | S |
| Truck Stop with Gasoline Sales and Accessory Services | (15) | (11) | S |
| INDUSTRIAL AND MANUFACTURING LAND USES | $2.02(1)$ | 2.03 (1) |  |
| Asphalt or Concrete Batch Plant | (1) | (1) | S |
| Temporary Asphalt or Concrete Batch Plant | (2) | (2) | P |
| Bottle Works for Milk or Soft Drinks | (3) |  | P |
| Brewery or Distillery | (4) | (3) | P |
| Carpet and Rug Cleaning | (5) |  | P |
| Environmentally Hazardous Materials | (6) | (4) | S |
| Food Processing with No Animal Slaughtering | (7) |  | P |
| Light Assembly and Fabrication | (8) |  | P |
| Heavy Manufacturing | (9) |  | S |
| Light Manufacturing | (10) |  | P |
| Metal Plating or Electroplating | (11) |  | S |
| Mining and Extraction of \&Sand, Gravel, Oil and/or Other Materialsł | (12) | (5) | S |
| Printing and Publishing | (13) |  | P |
| Salvage or Reclamation of Products Indoors | (14) |  | P |
| Salvage or Reclamation of Products Outdoors | (15) |  | S |
| Sheet Metal Shop | (16) |  | P |
| Tool, Dye, Gauge and/or Machine Shop | (17) |  | P |
| Welding Repair | (18) |  | P |
| Winery | (19) | (6) | P |
| WHOLESALE, DISTRIBUTION AND STORAGE LAND USES | 2.02(J) | 2.03(J) |  |
| Cold Storage Plant | (1) |  | P |
| Heavy Construction/Trade Yard | (2) |  | P |
| Mini-Warehouse | (4) | (1) | P |
| Outside Storage and/or Outside Display | (5) | (2) | P |
| Recycling Collection Center | (6) |  | P |
| Warehouse/Distribution Center | (7) |  | P |
| Wholesale Showroom Facility | (8) |  | P |
| UTILITIES, COMMUNICATIONS AND TRANSPORTATION LAND USES | 2.02(K) | 2.03(K) |  |
| Airport, Heliport or Landing Field | (1) |  | S |
| Antenna, as an Accessory | (2) | (1) | P |


| LEGEND: | PERMITTED LAND USES IN AN |  |  |
| :---: | :---: | :---: | :---: |
| Land Use NOT Permitted |  |  |  |
| P Land Use Permitted By-Right |  |  |  |
| P Land Use Permitted with Conditions |  |  |  |
| S Land Use Permitted Specific Use Permit (SUP) | LIGHT INDUSTRIAL (LI) DISTRICT |  |  |
| X Land Use Prohibited by Overlay District |  |  |  |
| A Land Use Permitted as an Accessory Use |  |  |  |
| LAND USE SCHEDULE | LAND USE DEFINITION REFERENCE [Reference Article 13, Definitions | CONDITIONAL USE REFERENCE Reference [Article 04 Permissible Uses] | LIGHT INDUSTRIAL (LI) DISTRICT |
| Commercial Antenna | (3) | (2) | S |
| Antenna; for an Amateur Radio | (4) | (3) | A |
| Antenna Dish | (5) | (4) | A |
| Commercial Freestanding Antenna | (6) | (5) | P |
| Mounted Commercial Antenna | (7) | (6) | P |
| Bus Charter Service and Service Facility | (8) |  | P |
| Helipad | (9) |  | S |
| Utilities (Non-Municipally Owned or Controlled), Including Sanitary Landfill, Water Treatment, and Supply, and Wastewater Treatment | (10) |  | S |
| Municipally Owned or Controlled Facilities, Utilities and Uses | (11) |  | P |
| Private Streets | (12) |  | S |
| Radio Broadcasting | (13) |  | P |
| Railroad Yard or Shop | (14) |  | S |
| Recording Studio | (15) |  | P |
| Satellite Dish | (16) |  | A |
| Solar Energy Collector Panels and Systems | (17) | (7) | A |
| Transit Passenger Facility | (18) |  | S |
| Trucking Company | (19) |  | P |
| TV Broadcasting and Other Communication Service | (20) |  | P |
| Utilities Holding a Franchise from the City of Rockwall | (21) |  | P |
| Utility Installation Other than Listed | (22) |  | S |
| Utility/Transmission Lines | (23) |  | S |
| Wireless Communication Tower | (24) |  | S |

## CITY OF ROCKWALL

ORDINANCE NO. 22-XX


#### Abstract

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A CHANGE IN ZONING FROM AN AGRICULTURAL (AG) DISTRICT TO A LIGHT INDUSTRIAL (LI) DISTRICT FOR A 14.78-ACRE TRACT OF LAND IDENTIFIED AS TRACTS 8 \& 8-1 OF THE J. H. BAILEY SURVEY, ABSTRACT NO. 34, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND FURTHER DEPICTED IN EXHIBIT 'B' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS ( $\$ 2,000.00$ ) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.


WHEREAS, the City has received a request from Hellen Byrd on behalf of Donald Valk for the approval of a Zoning Change from an Agricultural (AG) District to a Light Industrial (LI) District for a 14.78-acre tract of land identified as Tracts 8 \& 8-1 of the J. H. Bailey Survey, Abstract No. 34, City of Rockwall, Rockwall County, Texas, zoned Agricultural (AG) District, situated within the SH276 Overlay (SH-276 OV) District, addressed as 4649 SH-276, and more fully described in Exhibit ' $A$ ' and depicted in Exhibit ' $B$ ' of this ordinance, which hereinafter shall be referred to as the Subject Property and incorporated by reference herein; and

[^5]NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning of the Subject Property from Agricultural (AG) District to a Light Industrial (LI) District;

SECTION 2. That the Subject Property shall be used only in the manner and for the purposes provided for a Light Industrial (LI) District as stipulated in Section 01.01, Use of Land and Buildings, of Article 04, Permissible Uses and Section 05.01, General Industrial District Standards; Section 05.02, Light Industrial (LI) District; Section 06.02, General Overlay District Standards, of Article 05, District Development Standards, of the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as maybe amended in the future;

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in the zoning described herein;

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code (UDC) of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable; and

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect;

SECTION 7. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE $6{ }^{\text {TH }}$ DAY OF JUNE, 2022.

Kristy Teague, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney
$1^{\text {st }}$ Reading: May 16, 2022
$2^{\text {nd }}$ Reading: June 6, 2022


BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN THE J.H. BAILEY SURVEY, ABSTRACT NOS. 34 \& 44, ROCKWALL COUNTY, TEXAS AND BEING A PART OF A 15.00ACRE TRACT OF LAND AS DESCRIBED IN DEED TO GEORGE R. HEARD AND MITZI HEARD, AS RECORDED IN VOLUME 1202, PAGE 50 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A 5/8" IRON ROD WITH RED CAP FOUND IN THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276, SAID POINT BEING IN THE WEST LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE EAST LINE OF A 15.00-ACRE TRACT OF LAND AS DESCRIBED IN DEED TO COMMERCIAL CONSTRUCTION SPECIALTIES, LP, A TEXAS LIMITED PARTNERSHIP, AND RECORDED IN INSTRUMENT NUMBER 20190000023410 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, SAID POINT BEING SOUTH AT A DISTANCE OF 18.28-FEET FROM THE NORTHEAST CORNER OF SAID 15.00-ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT;

THENCE SOUTH $72^{\circ} 55^{\prime} 54^{\prime \prime}$ EAST AND FOLLOWING ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276 FOR A DISTANCE OF 86.96-FEET TO A 5/8" IRON ROD SET FOR CORNER;

THENCE SOUTH 89²0' $24^{\prime \prime}$ EAST AND FOLLOWING ALONG THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 276 FOR A DISTANCE OF 159.20-FEET TO A TXDOT MONUMENT FOUND FOR CORNER IN THE EAST LINE OF AFORESAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE WEST LINE OF A 10.04-ACRE TRACT OF LAND CONVEYED TO MICHAEL G. SARAGUSA AS RECORDED IN VOLUME 4131, PAGE 153 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS;

THENCE SOUTH $00^{\circ} 00^{\prime} 00^{\prime \prime}$ EAST AND DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY NO. 276 AND FOLLOWING THE EAST LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT, COMMON WITH THE WEST LINE OF SAID 10.04-ACRE MICHAEL G. SARAGUSA TRACT FOR A DISTANCE OF 2650.60-FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE SOUTHWEST CORNER OF SAID 10.04-ACRE MICHAEL G. SARAGUSA TRACT;

THENCE SOUTH $89^{\circ} 54^{\prime} 43$ " WEST AND FOLLOWING ALONG THE SOUTH LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT FOR A DISTANCE OF 242.32-FEET TO A POINT FOR CORNER, FROM WHICH 1/2" IRON ROD FOUND BEARS NORTH $62^{\circ} 32^{\prime} 19 "$ WEST AT A DISTANCE OF 0.76-FEET, SAID POINT BEING THE SOUTHEAST CORNER OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE SOUTHEAST CORNER OF AFORESAID 15.00-ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT;

THENCE NORTH $00^{\circ} 00^{\prime} 00^{\prime \prime}$ WEST AND FOLLOWING ALONG THE WEST LINE OF SAID 15.00-ACRE GEORGE R. HEARD TRACT AND THE EAST LINE OF SAID 15.00-ACRE COMMERCIAL CONSTRUCTION SPECIALTIES, LP TRACT, FOR A DISTANCE OF 2678.33-FEET TO THE POINT OF BEGINNING AND CONTAINING 14.7772-ACRES OF LAND, MORE OR LESS.



MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Ryan Miller, Director of Planning and Zoning |
| DATE: | May 16, 2022 |
|  | ZUBJECT: |
|  | ZOR 5405 RANGER DRIVE |

Attachments<br>Case Memo<br>Development Application<br>Location Map<br>HOA Notification Map<br>Neighborhood Notification Email<br>Property Owner Notification Map<br>Property Owner Notification List<br>Public Notice<br>Property Owner Notifications<br>Residential Plot Plan<br>Building Elevations<br>Floor Plan<br>Housing Analysis<br>Draft Ordinance

Summary/Background Information
Hold a public hearing to discuss and consider a request by Ruben Chapa for the approval of a n ordinance for a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1214 -acre parcel of land identified as Lot 22, Block B, Chandler's Landing, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405 Ranger Drive, and take any action necessary (1st Reading).

Action Needed
The City Council is being asked to approve, approve with conditions, or deny the proposed Specific Use Permit (SUP).

TO:
DATE:
APPLICANT:
CASE NUMBER:

Mayor and City Council
May 16, 2022
Ruben Chapa
Z2022-021; Specific Use Permit (SUP) for a Residential Infill for 5405 Ranger Drive

## SUMMARY

Hold a public hearing to discuss and consider a request by Ruben Chapa for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1214 -acre parcel of land identified as Lot 22, Block B, Chandler's Landing, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405 Ranger Drive, and take any action necessary.

## BACKGROUND

The subject property was annexed into the City of Rockwall on October 29, 1973 by Ordinance No. 73-42 (Case No. 1973004). At the time of annexation, the property was zoned Agricultural (AG) District. The subject property was rezoned to Planned Development District 8 (PD-8) by Ordinance No. 73-48 on November 12, 1973. Phase 19 was later amended by Ordinance No. 85-43 on August 26, 1985. A preliminary plat (Case No. PZ1985-045-01) and a final plat (Case No. PZ1985-056-01) for Phase 19 of the Chandler's Landing Subdivision were approved on July 2, 1985. This established the subject property as Lot 4, Block B, Chandler's Landing, Phase 19. The subject property remains zoned Planned Development District 8 (PD-8) and has been vacant since it was annexed.

## PURPOSE

The applicant, is requesting the approval of a Specific Use Permit (SUP) for the purpose of constructing a single-family home on the subject property in accordance with Subsection 02.03(B)(11), Residential Infill in or Adjacent to an Established Subdivision, of Article 04, Permissible Uses, of the Unified Development Code (UDC).

## ADJACENT LAND USES AND ACCESS

The subject property is addressed as 5405 Ranger Drive. The land uses adjacent to the subject property are as follows:
North: Directly north of the subject property is the Chandler's Landing Phase 18, which was established on October 1, 1984 and consists of 17 residential lots. Beyond this is Chandler's Landing Phase 17, which was platted on January 15, 1985 and consists of 57 residential lots. Both subdivisions are zoned Planned Development District 8 (PD-8) for single-family land uses.

South: Directly south of the subject property is Yacht Club Drive, which is identified as a Minor Collector on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is the Chandlers Landing Yacht Club zoned Planned Development District 8 (PD-8).

East: Directly east of the subject property is Chandlers Landing Phase 2, which was established on July 9, 1973 and consists of 57 residential lots. This phase of the Chandler's Landing Subdivision is zoned Planned Development District 8 (PD-8) for single-family land uses. Beyond this is Columbia Drive, which is identified as $R 2$ (i.e. residential, two (2) lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

West: Directly west of the subject property is Yacht Club Drive, which is identified as a Minor Collector on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is Chandlers Landing Phase 18, Section 2, which was established on January 23, 1985 and consists of 42 residential lots. This phase of the Chandler's Landing Subdivision is zoned Planned Development District 8 (PD-8) for singlefamily land uses.

## CHARACTERISTICS OF THE REQUEST AND CONFORMANCE TO THE CITY'S CODES

Article 13, Definitions, of the Unified Development Code (UDC) defines Residential Infill in or Adjacent to an Established Subdivision as "(t)he new development of a single-family home or duplex on an existing vacant or undeveloped parcel of land or the redevelopment of a developed parcel of land for a new single-family home or duplex within an established subdivision that is mostly or entirely built-out." An established subdivision is further defined in Subsection 02.03(B)(11) of Article 04, Permissible Uses, of the UDC as "...a subdivision that consists of five (5) or more lots, that is $90 \%$ developed, and that has been in existence for more than ten (10) years." The subject property is part of the Phase 4 of the Chandler's Landing Subdivision, which has been in existence since 1985 consists of 24 residential lots, and is considered to be more than $90 \%$ developed. The Permissible Use Charts contained in Article 04, Permissible Uses, of the UDC, requires a Specific Use Permit (SUP) for Residential Infill in or Adjacent to an Established Subdivision in all single-family zoning districts, the Two-Family (2F) District, the Downtown (DT) District, and the Residential-Office (RO) District. This property, being in a Planned Development District for single-family land uses, requires a Specific Use Permit (SUP).

In addition, Subsection 02.03(B)(11) of Article 04, Permissible Uses, of the UDC states that, "...the Planning and Zoning Commission and City Council shall consider the proposed size, location, and architecture of the home compared to the existing housing ... [and] (a)ll housing proposed under this section [i.e. Residential Infill in or Adjacent to an Established Subdivision] shall be constructed to be architecturally and visually similar or complimentary to the existing housing ..." The following is a summary of observations concerning the housing on France Court and Yacht Club Drive compared to the house proposed by the applicant:

| Housing Design and Characteristics | Existing Housing on Ranger Drive, Courageous Drive, and Yacht Club Drive | Proposed Housing |
| :---: | :---: | :---: |
| Building Height | One (1) \& Two (2) Story. | Two (2) Story |
| Building Orientation | Most of the homes are oriented towards their front property line. | The front elevation of the home will face onto Ranger Drive |
| Year Built | 1988-2000 | N/A |
| Building SF on Property | 1,351 SF-4,185 SF | 3,594 SF |
| Building Architecture | Townhomes \& Traditional Brick Suburban Residential | Comparable Architecture to the Existing Homes |
| Building Setbacks: |  |  |
| Front | The front yard setbacks appear to conform to the required 20 -foot front yard setback. | 25-Feet |
| Side | The side yard setbacks appear to conform to the required five (6) foot side yard setback. | 5-Feet |
| Rear | The rear yard setbacks appear conform to the required ten (10) feet rear yard setback. | 20-Feet |
| Building Materials | Brick and HardiBoard/HardiePlank. | Combination of Brick, HardiBoard Siding, and Stone |
| Paint and Color | White, Cream, Red, Blue, and Brown | White |
| Roofs | Composite Shingles | Composite Shingle |
| Driveways | Driveways are all in the front with the orientations being flat front entry, side entry, and 'J' or traditional swing entry. | The garage will be situated five (5) feet $51 / 2$ inches behind the front of the front façade of the home. |

According to Section 04, Residential Parking, of Article 06, Parking and Loading, of the Unified Development Code (UDC), "(i)n single-family or duplex districts, parking garages must be located at least 20 -feet behind the front façade for front entry garages ..." In this case, the applicants proposed garage is oriented five (5) feet, $51 / 2$-inches behind the front façade of the home. Staff should point out that since the construction range for housing in this area extends from 1988-2000, the houses already have several garage configurations that would be deemed to be legally non-conforming (i.e. they were conforming when they were constructed; however, due to changes in the code they are no longer conforming and would not be permitted
to be built in this configuration today). A waiver to the garage orientation is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission. If approved as part of the Specific Use Permit (SUP) request, the City Council, upon recommendation by the Planning and Zoning Commission, will be waiving the garage orientation requirement. With this being said, staff should point out -- that with the exception of the garage orientation -- the proposed single-family home meets all of the density and dimensional requirements stipulated by Planned Development District 8 [Ordinance No. 85-43] and the Unified Development Code (UDC).

For the purpose of comparing the proposed home to the existing single-family housing located adjacent to or in the vicinity of the subject property, staff has provided photos of the properties along Ranger Drive, Courageous Drive, and Yacht Club Drive and the proposed building elevations in the attached packet.

## NOTIFICATIONS

On April 25, 2022, staff mailed 134 notices to property owners and occupants within 500 -feet of the subject property. Staff also sent a notice to the Signal Ridge, Signal Ridge Phase 4, the Cabana's at Chandler's Landing, Match Point Townhomes, Cutter Hill Phases 1, 2, and 3, and Chandler's Landing Homeowner's Associations (HOAs), which are the only HOA's or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had received one (1) property owner notification opposed to the applicant's request.

## CONDITIONS OF APPROVAL

If the City Council chooses to approve of the applicant's request for a Specific Use Permit (SUP) to construct a single-family home as a Residential Infill within an Established Subdivision, then staff would propose the following conditions of approval:
(1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
(a) Development of the Subject Property shall generally conform to the Residential Plot Plan as depicted in Exhibit 'B' of the draft ordinance.
(b) Construction of a single-family home on the Subject Property shall generally conform to the Building Elevations depicted in Exhibit ' $C$ ' of the draft ordinance; and,
(c) Once construction of the single-family home has been completed, inspected, and accepted by the City, the Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.
(2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

DEVELOPMENT APPLICATION
City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

PLANNING \& ZONING CASE NO. $22022-021$
NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:
CITY ENGINEER:
PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

| PLATTING APPLICATION FEES: |  |
| :--- | :--- |
| $\square$ MASTER PLAT ( $\$ 100.00+\$ 15.00$ ACRE $)^{1}$ |  |
| $\square$ PRELIMINARY PLAT $(\$ 200.00+\$ 15.00 \text { ACRE })^{1}$ |  |
| $\square$ FINAL PLAT $(\$ 300.00+\$ 20.00 \text { ACRE })^{1}$ |  |
| $\square$ REPLAT $(\$ 300.00+\$ 20.00 \text { ACRE })^{1}$ |  |
| $\square$ AMENDING OR MINOR PLAT $(\$ 150.00)$ |  |
| $\square$ PLAT REINSTATEMENT REQUEST $(\$ 100.00)$ |  |
| SITE PLAN APPLICATION FEES: |  |
| $\square$ SITE PLAN (\$250.00 + \$20.00 ACRE) ${ }^{1}$ |  |
| $\square$ AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN $(\$ 100.00)$ |  |
|  |  |

## ZONING APPLICATION FEES:

ZONING CHANGE ( $\$ 200.00+\$ 15.00$ ACRE)
$\square$ SPECIFIC USE PERMIT $(\$ 200.00+\$ 15.00 \text { ACRE })^{1 \& 2}$
$\square$ PD DEVELOPMENT PLANS $(\$ 200.00+\$ 15.00$ ACRE)
OTHER APPLICATION FEES:
$\square$ TREE REMOVAL ( $\$ 75.00$ )
$\square$ VARIANCE REQUEST/SPECIAL EXCEPTIONS $(\$ 100.00)^{2}$ NOTES:
1: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE. 2: A $\$ 1,000.00$ FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WTHOUT OR NOT IN COMPLIANGE TO AN APPROVED BUILDING PERMIT
PROPERTY INFORMATION [PLEASE PRINT]
ADDRESS 5405 Ranger Dr Rockwall Tx 75032
SUBDIVIIION
GENERALLOCATION 5421 Ranger Dr Reckwall Tr 75032

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING
PROPOSED ZONING
ACREAGE
LOTS [CURRENT]

CURRENT USE
PROPOSED USE
$\square$ SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LQNGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/original signatures are Required]

| ロOWNER Ruben Chapa | ロAPPLICANT |  |  |
| ---: | :--- | ---: | ---: |
| CONTACTPERSON | Rosemary |  |  |
| ADDRESS | 342 | 75098 | ADDRESS |
| CONTACT PERSON |  |  |  |

## NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Ruben Chapa [OWNER THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION: ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT, ANP THE APPLICATION FEE OF 2022 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (IIE. "CITY') IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY COPYRIGHTED INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQU



City of Rockwall
Planning \& Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

Planning \& Zoning Department 385 S. Goliad Street Rockwall, Texas 75087 (P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.


Case Number: Case Name: Case Type: Zoning: Rockwall HOAsSubject Property 1500' Buffer

Z2022-021
SUP for Residential Infill Zoning
Planned Development District 8 (PD-8)
5405 Ranger Drive


## Miller, Ryan

| From: | Gamez, Angelica |
| :--- | :--- |
| Sent: | Tuesday, April 26, 2022 8:38 AM |
| Cc: | 'todd@acclaimmgmt.com'; 'djarealestate@peoplescom.net'; 'HOAsignalridge1000@yahoo.com'; |
|  | 'tlamb@chandlerslanding.org'; 'jlghighlander@msn.com'; 'management77@verizon.net'; |
| Subject: | 'hoa@chandlerslanding.org' |
| Attachments: | Neighborhood Notification Program [Z2022-021] |
| Public Notice (04.20.2022).pdf; HOA Map (04.14.2022).pdf |  |

HOA/Neighborhood Association Representative:
Per your participation in the Neighborhood Notification Program, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on April 22, 2022. The Planning and Zoning Commission will hold a public hearing on Tuesday, May 10, 2022 at 6:00 PM , and the City Council will hold a public hearing on Monday, May 16, 2022 at 6:00 PM. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to Planning@rockwall.com at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website:
https://sites.google.com/site/rockwallplanning/development/development-cases.
Z2022-021 SUP for Residential Infill in an Established Subdivision
Hold a public hearing to discuss and consider a request by Ruben Chapa for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1214 -acre parcel of land identified as Lot 22, Block B, Chandler's Landing, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405 Ranger Drive, and take any action necessary.

Thank you,

## Angelica Gamez

Planning \& Zoning Coordinator
City of Rockwall
972.771.7745 Office
972.772.6438 Direct
http://www.rockwall.com/planning/

This email was scanned by Bitdefender

City of Rockwall
The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.
Planning \& Zoning Department 385 S. Goliad Street Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com


Case Number:
Case Name:
Case Type:
Zoning:

Z2022-021
SUP for Residential Infill Zoning
Planned Development District 8 (PD-8)
5405 Ranger Drive

Date Saved: 4/18/2022
For Questions on this Case Call (972) 771-7745


## LOVEJOY ROMA DIANE HUMPHREYS 1 INTREPID CIRCLE ROCKWALL, TX 75032

## LEAHOVCENCO ALEXANDER

 107 INDEPENDENCE PLACE ROCKWALL, TX 75032SINISCALCHI JOSEPH W \& KIMBERLY A
116 OLD VINEYARD LN ROCKWALL, TX 75032

PATON BRUCE R \&
DR DARIAH L MORGAN
10 INTREPID CIR
ROCKWALL, TX 75032

## ELCHANAN DANIEL \& NANCY B 11 INTREPID CIR ROCKWALL, TX 75032

MAYS JOHN
12INTREPIDCIR ROCKWALL TX, 75032

## LEEDS JULIE

 1423 ROLLINS DR ALLEN, TX 75013> 5 TO 1 LIVING TRUST 2 INTREPID CIRCLE ROCKWALL, TX 75032

## PRESERVE CUSTOM HOMES LLC

 3021 RIDGE RD \#205 ROCKWALL, TX 75032> FLEMING JOYCE MARIE 4 INTREPID CIR ROCKWALL, TX 75032

MACGILVARY ERIN
413 YACHT CLUB DRIVE ROCKWALL, TX 75032
\#23 INVESTMENTS LLC 422 COLUMBIA DR ROCKWALL TX, 75032

DUDEK PROPERTIES LLC 426-428COLUMBIADR ROCKWALL TX, 75032

JACCK RESIDENTIAL HOLDINGS LLC 1000 PULLEN ROAD
MCLENDON CHISHOLM, TX 75087

MILLER DIXIE 111 SCEPTRE DR ROCKWALL, TX 75032

LUCKEY CAROL MALATICH 13 INTREPID CIRCLE ROCKWALL, TX 75032

DEVILL HOMES INC 16 INTREPID CIR ROCKWALL<br>TX, 75032

RUBENSTEIN ALAN AND GINA STRICKLIN 2880 LAGO VISTA LN ROCKWALL, TX 75032

LAM PROPERTY 3051 N GOLIAD ST ROCKWALL, TX 75087

## BAKER JARROD J \& HEATHER M

 409 YACHT CLUB DR ROCKWALL, TX 75032JORDAN PAMELLA W 419 COLUMBIA DR ROCKWALL, TX 75032

BRIGHT CHRISTOPHER J JOHN 423 COLUMBIA DR ROCKWALL, TX 75032

## YANGER MORRIS \& DORIS

427 COLUMBIA DR ROCKWALL, TX 75032

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ROLAND JAMES & DEBRA JAN
4 2 9 \text { COLUMBIA DR}
ROCKWALL, TX }7503
```

DUDEK JOHN F AND JENNIFER H
432 COLUMBIA DR
ROCKWALL, TX 75032

ISON DEBRA
436 COLUMBIA DR ROCKWALL, TX 75032

KELLY DONNA<br>431 COLUMBIA DR<br>ROCKWALL, TX 75160

GESSNER JOHN B
433 COLUMBIA DR
ROCKWALL, TX 75032

BENSON CURT R 438 COLUMBIA DRIVE ROCKWALL, TX 75032

PAYNE JOHN R 444 COLUMBIA DR ROCKWALL, TX 75032

UDSTUEN ERIKA ANN 501 COLUMBIA DRIVE ROCKWALL, TX 75032

NORTHCUTT BENJAMIN CHARLES AND LEIGH ANN
503 COLUMBIA DRIVE ROCKWALL, TX 75032

## LEAHOVCENCO ALEXANDER <br> 505 MARINER DR ROCKWALL TX, 75032

BLAKELY DENNIS DALE AND SARA ALLEN
508 COLUMBIA DRIVE
ROCKWALL, TX 75032

VAN AMBURGH GORDON D JR \& JEANNE M 514COLUMBIADR ROCKWALL TX, 75032
512 COLUMBIA DR ROCKWALL, TX 75032

HOLMGREN DENNIS M AND JO ANN 5303 YACHT CLUB DRIVE ROCKWALL, TX 75032

VAN AMBURGH GORDON D JR \& JEANNE M 540 LOMA VIST HEATH, TX 75032

LAMBERTH ROBERT B \& JENNIFER J
435 COLUMBIA DR
ROCKWALL, TX 75032

KRISHNAN ASHOK AND SRIVASTAVA VARUNA 440 COLUMBIA DRIVE ROCKWALL, TX 75032

## 446 COLUMBIA DR ROCKWALL

TX, 75032

CHANDLERS LANDING COMMUNITY ASSOC 501 YACHT CLUB DR ROCKWALL TX, 75032

LEAHOVCENCO ALEXANDR
503 MARINER DR ROCKWALL TX, 75032

IRWIN PATRICIA ANN 506 COLUMBIA DRIVE ROCKWALL, TX 75032

SUTTON KRISTINA
510 COLUMBIA DR
ROCKWALL, TX 75032

LAYENDECKER TIMOTHY P \& SHAHLA 519 INTERSTATE 30 \#629 ROCKWALL, TX 75087

DUNCAN HAL \& EILEEN
5401 RANGER DR ROCKWALL, TX 75032

JANAK JUDY A AND MICHAEL K BOX
5403 RANGER DR
ROCKWALL, TX 75032

RICH JEFFREY
5409 RANGER DR ROCKWALL TX, 75032

BLAKELY SARA
5413RANGERDR ROCKWALL TX, 75032

KUIPERS KATHY \& ROY 5418 RANGER DR ROCKWALL TX, 75032

PRESERVE CUSTOM HOMES LLC 5421 RANGER DR ROCKWALL TX, 75032

THOMAS VICKIE SUE 5427 RANGER DR ROCKWALL, TX 75032

DOVE JAMES \& BARBARA
5436 RANGER DR ROCKWALL, TX 75032

HILL SAMUEL J
5441 RANGER DR ROCKWALL, TX 75032

PIXLEY SUZANNE AND ANDREA J 5560 CANADA COURT ROCKWALL, TX 75032

PIXLEY ANDREA
5573 CANADA CT ROCKWALL TX, 75032

DEVINE LORI AND GRAEME 5405 RANGER DR ROCKWALL TX, 75032

MAYFIELD STEPHEN ANDREW 5407 RANGER DRIVE ROCKWALL, TX 75032

RICH JEFFREY M 5411 RANGER DRIVE ROCKWALL, TX 75032

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PIXLEY ENTERPRISES AND
        ANDREA PIXLEY
5414 RANGER DR ROCKWALL TX, 75032
```

KOMP STEPHEN J 5419 RANGER DRIVE ROCKWALL, TX 75032

LEEDS JULIE 5422 RANGER DR ROCKWALL TX, 75032

CONFIDENTIAL 5433 RANGER DR ROCKWALL TX, 75032

LIKE JOHN MILES
5437 RANGER DR ROCKWALL, TX 75032

HOLMGREN DENNIS M AND JO ANN 5445 RANGER DR ROCKWALL

TX, 75032

PUSCH CHRISTA
5569 CANADA CT ROCKWALL, TX 75032

SINISCALCHI JOSEPH W \& KIMBERLY A 5574CANADACT ROCKWALL

TX, 75032

THOMAS VICKI 5412 RANGER DR ROCKWALL TX, 75032

COOK GREGORY 5416 RANGER DRIVE ROCKWALL, TX

OTTEN STEVEN E 5420 RANDER DR ROCKWALL, TX 75032

LUND MICHAEL J AKA MICHAEL LUND AND CHIZUKO T LUND AKA CHIZUKO LUND 5425 RANGER DRIVE ROCKWALL, TX 75032

## RAINEY JOEL A \& PAULA N

 5434 RANGER DR ROCKWALL, TX 75032RUBENSTEIN ALAN AND GINA STRICKLIN 5438 RANGER DR ROCKWALL TX, 75032

MAYS JOHN<br>5450 MERRIMAC AVENUE DALLAS, TX 75032

MILLER DIXIE
5571 CANADA CT ROCKWALL
TX, 75032 TX, 75032

MCCLOY STEPHANIE JOAN
5575 CANADA CT ROCKWALL, TX 75032
HETTINGER HAYS V \& MARGARET A
5576 CANADA CT
ROCKWALL, TX 75032

HAWN LESLEE AND WILLIAM RUSSELL 5580 CANADA CT<br>ROCKWALL, TX 75032

# SPEED STEVEN C AND KAYLA MARIE SPEED STEVEN C AND KAYLA MARIE 558YACHT CLUBDR ROCKWALL TX, 75032 

FARIS CHARLES M AND DAWN M 5604 CANADA CT ROCKWALL, TX 75032

ROBISON AARON AND AMY M 5610 CANADA CT ROCKWALL, TX 75032

SORENSEN DEBORAH R \& ROBERT S 5705 SOUTHERN CROSS DR ROCKWALL, TX 75032

LAM PROPERTY 5708SOUTHERN CROSSDR ROCKWALL TX, 75032

POESCHEL MARK \& AURORA 5711 SOUTHERN CROSS DR ROCKWALL, TX 75032

JENNISON FAMILY HOMESTEAD TRUST JEROME R JENNISON AND NANCY E JENNISONTRUSTEES
5716 SOUTHERN CROSS DRIVE ROCKWALL, TX 75032

WITT CAROLINE L
5735 SOUTHERN CROSS DRIVE ROCKWALL, TX 75032

ARNAIZ REVOCABLE TRUST OF AUGUST 3, 2017 ANTHONY GENE ARNAIZ AND LANA MICHELLE

ARNAIZ- TRUSTEES
5577CANADACT ROCKWALL
TX, 75032

AUBREY Q \& YVONNE M PATTERSON
REVOCABLE LIVING TRUST
AUBREY $Q \&$ YVONNE M PATTERSON TRUSTEES
5581 CANADA COURT ROCKWALL, TX 75032

BLUM JENNIFER REBECCA 560 YACHT CLUB DRIVE ROCKWALL, TX 75032

JACCK RESIDENTIAL HOLDINGS LLC 5606CANADACT ROCKWALL TX, 75032

> OWEN DONALD H 5702 SOUTHERN CROSS ROCKWALL, TX 75032

FURBAY CHARLES EUGENE \& ANN ELIZABETH
5706 SOUTHERN CROSS DRIVE ROCKWALL, TX 75032

> PIXLEY SUZANNE AND ANDREA J 5709SOUTHERN CROSSDR ROCKWALL TX, 75032

> LEMASTER MARK \& JILL 5712 SOUTHERN CROSS DR ROCKWALL, TX 75032

CHESNA THOMAS E \&
VICTORIA D CHESNA LIVING TR
5720 SOUTHERN CROSS DR ROCKWALL, TX 75032

BROWN DORLISKA WADSWORTH IV 6 INTREPID CIRCLE ROCKWALL, TX 75032

## PALMER TODD P AND NEELIE HUFF <br> 5579 CANADA CT <br> ROCKWALL, TX 75032

MARTIN GREGORY LAWRENCE AND CHRISTIN
BRADLEY
5583 CANADA CT
ROCKWALL, TX 75032

JACKSON DESHANNON
5602 CANADA COURT
ROCKWALL, TX 75032

## BUTTLES HOLLI M LOVELESS <br> 5608 CANADA CT <br> ROCKWALL, TX 75032

NOLAN STEPHEN<br>5704 SOUTHERN CROSS DR<br>ROCKWALL, TX 75032

## KING SHILA <br> 5707 SOUTHERN CROSS DRIVE ROCKWALL, TX 75032

DEFRANCO JOHN
5710 SOUTHERN CROSS
ROCKWALL, TX 75032

RUSHING ROGER D \& DEBORAH C 5713 SOUTHERN CROSS DR ROCKWALL, TX 75032

BRANCO ANTHONY J
5731 SOUTHERN CROSS DR ROCKWALL, TX 75032

RICHARDSON CHESTER AND SHELLEY 604 COURAGEOUS DR ROCKWALL, TX 75032

| LAYENDECKER TIMOTHY P \& SHAHLA | MARSHALL LISA AND WILLIAM C | JOHNSON EARL \& ERA WILLIAMS |
| :---: | :---: | :---: |
| 605 COURAGEOUS DR ROCKWALL | 609 COURAGEOUS DR | 612 SEVERIGE COURT |
| TX, 75032 | ROCKWALL, TX 75032 | ROCKWALL, TX 75032 |
| PATON FAMILY CHARITABLE TR | ATASHIRANG GHASSEM | DEFORD ERA JANE |
| 615-619COURAGEOUSDR ROCKWALL | 623 COURAGEOUS DR | 7 INTREPID CIRCLE |
| TX, 75032 | ROCKWALL, TX 75032 | ROCKWALL, TX 75032 |
| JONES W GRIFFIN \& BARBARA STEWART JONES | BOWSHER KATHERINE M | ARMSTRONG D |
| 701 YACHT CLUB DR | 8 INTREPID CIRCLE | 804 EAGLE PASS |
| ROCKWALL, TX 75032 | ROCKWALL, TX 75032 | HEATH, TX 75032 |
|  |  | ARNAIZ REVOCABLE TRUST OF AUGUST 3, 2017 |
| SEIBERT PETE | \#23 INVESTMENTS LLC | ANTHONY GENE ARNAIZ AND LANA MICHELLE |
| 9 INTREPID CIR | PO BOX 2292 | ARNAIZ- TRUSTEES |
| ROCKWALL, TX 75032 | ROCKWALL, TX 75087 | PO BOX 2309 |
|  |  | SANTA CRUZ, CA 95063 |
| CHANDLERS LANDING COMMUNITY ASSOC | DEVILL HOMES INC |  |
| PO BOX 638 | PO BOX 764166 |  |
| ROCKWALL, TX 75087 | DALLAS, TX 75376 |  |

Property Owner and/or Resident of the City of Rockwall:
You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

## Case No. Z2022-021: SUP for Residential Infill in an Established Subdivision

Hold a public hearing to discuss and consider a request by Ruben Chapa for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision for the purpose of constructing a single-family home on a 0.1214 -acre parcel of land identified as Lot 22, Block B, Chandler's Landing, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405 Ranger Drive, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 10, 2022 at $6: 00 \mathrm{PM}$, and the City Council will hold a public hearing on Monday, May 16, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S . Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Angelica Gamez<br>Rockwall Planning and Zoning Dept.<br>385 S. Goliad Street<br>Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, May 16, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.
Sincerely,
Ryan Miller, AICP
Director of Planning \& Zoning


MORE INFORMATION ON THIS CASE CAN BE FOUND AT: https://sites.google.com/site/rockwallplanning/development/development-cases

-     -         - PLEASE RETURN THE BELOW FORM

Case No. Z2022-021: SUP for Residential Infill in an Established Subdivision
Please place a check mark on the appropriate line below:I am in favor of the request for the reasons listed below.I am opposed to the request for the reasons listed below.


#### Abstract

Name: Address: Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.


PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

Case No. Z2022-021: SUP for Residential Infill in an Established Subdivision
Please place a check mark on the appropriate line below:I am in favor of the request for the reasons listed below.
A
am opposed to the request for the reasons listed below.
new hume decreases older values
New home renderivas do not match older neignboeheod
construction may lower home values/ablity tusell
Re-zoning UNNeCessary
Name: SUTTON
Address: 510 COLMBBIA OR ROCKWALL, IX 75032
Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE


|  |  |
| :---: | :---: |
| General notes |  |
|  |  |
| SQUARE FOOTAGE |  |
| IST. floor area | 738.0 sa.fт. |
| 2V0. floor amea | 1,547.0 sa.FT. |
| gatage area | 682.0 sa.fr. |
| PoaCh | 50.0 so.ft. |
| balcoovr | 50.0 so.fr. |
| COVERED PATIO | $\xrightarrow{174.0 \text { Sa.fT. }}$ 353.0 sa. FT. |
|  |  |
|  | N |
|  |  |
| 5405 RANGER DRIVE |  |
| Plan Name: |  |
| Project t: 012022 | Un By: Jam |
| ${ }^{\text {pate: }}$ 01-20-2022 | ${ }_{1 / 88^{\prime \prime}}^{1 \times 1} 1^{1}-0 \mid$ |
| Sheet \#: 1 | 1250 |




|  |  |
| :---: | :---: |
| general notes |  |
|  |  |
| SQUARE FOOTAGE |  |
| 1st. floor amea | 738.0 sa.fT. |
| 2N0. Floor amea | 1,547.0 sa.ef. |
| gatage amea | 682.0 so.fr. |
| Porch | 50.0 sa.fr. |
| balcoovr | 50.0 so.fT. |
| covered patio | 174.0 sa.fe. |
| Terace | ${ }_{\text {353.0 }}$ S S0.FT. |
|  |  |
| Project Name: <br> NEW HOUSE |  |
| 5405 RANGER DRIVE |  |
| Plan Nane: $\quad$ elevations |  |
| ${ }^{\text {Project 4: }} 01012022$ | ann By: JAM |
| Date: 01-20-2022 | ${ }^{3 / 16 "}=1^{\prime}-0 \mid$ |
| Sheot 4: 7 | 7252 |



## 1ST. FLOOR PLAN



2ND. FLOOR PLAN
SCALE : 1/4" = 1'-0"

|  |  |
| :---: | :---: |
| general notes |  |
|  |  |
| SQUARE FOOTAGE |  |
| 1st. floor area | 738.0 sa.ft. |
| 2NV. Floor area | 1,547.0 sa.FT. |
| gatage amea | 688.0 sa.fr. |
| Pooch | 50.0 se.ft. |
| bacoonr | 50.0 so.fT. |
| covereo patio |  |
| terace | 353.0 sa.fr. |
|  |  |
| Project Name: <br> NEW HOUSE |  |
| Project Address: ${ }^{\text {5405 RANGER DRIVE }}$ |  |
| Plan Name: | 2nd. floor plan |
| ${ }^{\text {Project 4: }} 01012022$ | ann by: Jam |
| Date: 01-20-2022 | ${ }_{1 / 4 "}=1$ - $-0 "$ |
| ${ }^{\text {shoet \#: }} 3$ | 7254 |




CITY OF ROCKWALL
HOUSING ANALYSIS FOR CASE NO. Z2022-021
PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745•EMAIL: PLANNING@ROCKWALL.COM

## ADJACENTHOUSING ATTRIBUTES

| ADDRESS | HOUSING TYPE | YEAR BUILT | HOUSE SF | ACCESSORY BUILDING | EXTERIOR MATERIALS |
| :--- | :---: | :---: | :---: | :---: | :---: | :---: |
| 5401 Ranger Drive | Townhouse | 1995 | 3,895 | N/A | Brick |
| 5403 Ranger Drive | Single-Family Home | 1998 | 2,292 | N/A | Brick and Siding |
| 5405 Ranger Drive | Vacant | N/A | N/A | N/A | N/A |
| 5407 Ranger Drive | Single-Family Home | 1996 | 2,014 | N/A | Brick and Siding |
| 5409 Ranger Drive | Vacant | N/A | N/A | N/A | N/A |
| 5411 Ranger Drive | Single-Family Home | 2000 | 2,478 | N/A | Brick |
| 5412 Ranger Drive | Townhouse | 1986 | 1,351 | N/A | Brick and Siding |
| 701 Yacht Club Drive | Single-Family Home | 1997 | 4,185 | N/A | Brick |
| 604 Courageous Drive | Single-Family Home | 1999 | 2,757 | N/A | Brick |
| 5735 Southern Cross Drive | Single-Family Home | 1988 | 2,377 | N/A | Brick and Siding |
| 609 Courageous Drive | Single-Family Home | 1988 | 3,064 | N/A | Brick and Siding |
| 605 Courageous Drive | Single-Family Home | 2000 | 3,296 | N/A | Brick |
|  | AVERAGES: | 1995 | 2,771 | N/A |  |

## CITY OF ROCKWALL

HOUSING ANALYSIS FOR CASE NO. Z2022-021
PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745•EMAIL: PLANNING@ROCKWALL.COM


## 5401 Ranger Drive



CITY OF ROCKWALL
HOUSING ANALYSIS FOR CASE NO. Z2022-021
PLANNING AND ZONING DEPARTMENT
385 S. GOLIAD STREET • ROCKWALL, TX 75087
PHONE: (972) 771-7745•EMAIL: PLANNING@ROCKWALL.COM


5405 Ranger Drive


CITY OF ROCKWALL
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5409 Ranger Drive


## CITY OF ROCKWALL

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5412 Ranger Drive


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CITY OF ROCKWALL
ORDINANCE NO. 22-XX
SPECIFIC USE PERMIT NO. S-2XX


#### Abstract

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 8 (PD-8) AND THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR RESIDENTIAL INFILL IN AN ESTABLISHED SUBDIVISION TO ALLOW THE CONSTRUCTION OF A SINGLE-FAMILY HOME ON A 0.1214 -ACRE PARCEL OF LAND, IDENTIFIED AS LOT 22, BLOCK B, CHANDLER'S LANDING, PHASE 4 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN EXHIBIT 'A' OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS $(\$ 2,000.00)$ FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.


WHEREAS, the City has received a request from Ruben Chapa for the approval of a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision to allow the construction of a single-family home on a 0.1214-acre parcel of land being described as Lot 22, Block B, Chandler's Landing, Phase 4 Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 8 (PD-8) for single-family residential land uses, addressed as 5405 Ranger Drive, and being more specifically described and depicted in Exhibit ' $A$ ' of this ordinance, which herein after shall be referred to as the Subject Property and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] and Planned Development District 8 (PD-8) of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas;
SECTION 1. That the Unified Development Code (UDC) [Ordinance No. 20-02] and Planned Development District 8 (PD-8) of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) for Residential Infill in an Established Subdivision to allow for the construction of a single-family home in an established subdivision in accordance with Article 04, Permissible Uses, the Unified Development Code (UDC) [Ordinance No. 20-02] on the Subject Property; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 03.01, General Residential District Standards, and Subsection 03.07, Single-Family 7 (SF-7) District, of Article 05, District Development Standards, of the Unified Development Code (UDC) [Ordinance No. 20-02] and to the requirements set forth in Planned Development District 8 (PD-8) -- as heretofore amended and may be amended in the future -- and with the following conditions:

### 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the construction of a single-family home on the Subject Property and conformance to these operational conditions are required:

1) The development of the Subject Property shall generally conform to the Residential Plot Plan as depicted in Exhibit ' $B$ ' of this ordinance.
2) The construction of a single-family home on the Subject Property shall generally conform to the Building Elevations depicted in Exhibit ' $C$ ' of this ordinance.
3) Once construction of the single-family home has been completed, inspected, and accepted by the City of Rockwall, this Specific Use Permit (SUP) shall expire, and no further action by the property owner shall be required.

### 2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, Specific Use Permits (SUP) of Article 11, Development Applications and Review Procedures, of the Unified Development Code (UDC) will require the Subject Property to comply with the following:

1) Upon obtaining a Building Permit, should the contractor operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), Revocation, of Article 11, Development Applications and Revision Procedures, of the Unified Development Code (UDC) [Ordinance No. 20-02].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS $(\$ 2,000.00)$ for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full
force and effect.
SECTION 7. That this ordinance shall take effect immediately from and after its passage.
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE $6^{\text {TH }}$ DAY OF JUNE, 2022.


Frank J. Garza, City Attorney
$1^{\text {st }}$ Reading: May 16, 2022
$2^{\text {nd }}$ Reading: June 6, 2022

Exhibit ' $B$ ': Residential Plot Plan
Address: 5405 Ranger Drive
Legal Description: Lot 22, Block B, Chandler's Landing, Phase 4


## Exhibit ' $B$ ':

Residential Plot Plan


Exhibit ' $C$ ':

## Building Elevations



Exhibit 'C':

## Building Elevations



City of Rockwall
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# MEMORANDUM 

TO: City Council<br>FROM: Joey Boyd, Assistant City Manager<br>DATE: May 3, 2022<br>\section*{SUBJECT: Atmos Energy Request for Franchise Agreement}

Atmos Energy is requesting a franchise agreement with the City of Rockwall for the purpose of installing, maintaining, and operating pipelines and equipment to distribute and sale natural gas service to the general public. Atmos Energy has provided these services in Rockwall for many years, but the previous franchise agreement has expired and the City Council is now asked to consider a new agreement. The proposed term of this Ordinance is twenty years.

The City Charter provides that the ordinance will require two readings and the ordinance caption must be published in the City's newspaper of record within 15 days after the first reading. A representative of Atmos Energy will be available to answer any questions about the company.

An Ordinance is included for City Council review and consideration. The city attorney and city staff will be available to answer any questions related to the franchise agreement.

## CITY OF ROCKWALL

ORDINANCE NO. 22-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROKCWALL, TEXAS GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NONEXCLUSIVE FRANCHISE FOR A PERIOD OF TWENTY (20) YEARS TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

WHEREAS, currently there are property owners and residents within the geographical boundaries of the City of Rockwall and a potential for future economic and population growth, which require or will require a supply of natural gas for their respective needs; and

WHEREAS, the introduction of the availability of a natural gas supply will be an incentive for the City to maintain current businesses and attract new development, as well as to provide gas service to existing property owners and residents; and

WHEREAS, the City, for the considerations provided by this Ordinance, and subject to the terms and conditions therein, has determined and finds that it is in the public interest of the City and its current property owners and residents to award a non-exclusive franchise to Atmos Energy Corporation, ("Atmos Energy"), for the transmission, distribution and sale of natural gas as provided in this Agreement;

## NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS THAT:

SECTION 1. GRANT OF AUTHORITY: The City of Rockwall, Texas, hereinafter called "City," hereby grants to Atmos Energy Corporation, Mid-Tex Division, hereinafter called "Atmos Energy," its successors and assigns, a non-exclusive consent to use and occupy the present and future streets, alleys, highways, public utility easements, public ways and other public places ("Public Rights-of-Way"), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment (the "System") to deliver, transport, and distribute gas in, out of, and through City for persons, firms, and corporations, including all the general public, and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, as such
limits may be amended from time to time during the term of this franchise, said consent being granted for a term ending June 6, 2042.

## SECTION 2. CONSTRUCTION, MAINTENANCE, OPERATION \& RELOCATION OF ATMOS ENERGY FACILITIES:

A. Atmos Energy's facilities shall be constructed and maintained so as not to unreasonably interfere with any existing water and wastewater lines, electric facilities, storm sewer lines, open drainage areas, cable, fiber optic cable, roadways, sidewalks, alleys, traffic control devices, public signs, or any other publicly owned or publicly franchised facility. Atmos Energy shall promptly clean-up, repair, and restore all thoroughfares and other surfaces which it may disturb.
B. Atmos Energy shall submit a permit application to City Engineer for the placement of new facilities, for upgrade or augmentation of existing facilities, or for replacement of existing facilities in the Public Right-of-Way. In no case shall Atmos Energy or its agents be required to pay for such permit. Such permit application shall include:
complete plans and detailed drawings reflecting compliance with all applicable zoning, development, and building requirements of the City and all additional information requested by City Engineer reasonably related to the permit request.
C. Atmos Energy shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment to minimize interference with traffic, place or cause to be placed appropriate barriers to mark excavations or obstructions, and restore to approximate original condition all Public Rights-of-Way that it may disturb. In determining the location of the facilities of the City and other users of Public Right-of-Way within City, City shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of City or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, City Engineer or an authorized agent of City shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way.

Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting, street excavation or other special permits related to excavations in Public Rights-ofWay in connection with Atmos Energy's operations in Public Rights-of-Way. City shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. City shall notify Atmos Energy as soon as
reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by City to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. In no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by City.
D. Any and all excavations and obstructions in and upon the Public Right-of-Way caused by the Atmos Energy's operations under this Ordinance shall be repaired and removed as quickly as is reasonably possible under the circumstances. All excavations shall be repaired in a good and workmanlike manner and restored to the approximate condition that existed prior to the excavation. The public shall be protected by barriers and lights placed, erected, marked, and maintained by the Company in accordance with the standards set forth in the current Texas Manual on Uniform Traffic Control Devices, as well as any other applicable local, state, and federal requirements. Atmos Energy warrants that any such restoration work performed in the Public Right-of-Way shall be in satisfactory condition for a period not to exceed one (1) year, to the extent that such restoration work has not been disturbed by other users of the Public Right-of-Way or by acts of God. In the event that the Atmos Energy fails to repair or restore an excavation site within fourteen (14) days after receipt of written notice from the City of a deficiency, the City may, at its option, perform the needed repair or restoration and the Atmos Energy shall promptly reimburse the City for the reasonable cost of such repair or restoration. Except for repairs, day-to-day maintenance, or in cases of emergency conditions, work conducted within the Public Right-of-Way shall require an approved permit issued by the City Engineer prior to commencement of work as outlined by Section 2 C. In no instance shall Atmos Energy be required to pay fees or bonds related to its use of the Public Right-of-Way.
E. If City, in constructing its sewers, drainage, water lines, streets, or utilities, should request that Atmos Energy remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way, Atmos Energy shall do so at its own expense for facilities that are in conflict, unless such work is for the primary purpose of beautification or to accommodate a private developer. Facilities are deemed to be in conflict to the extent that the proposed City facilities are determined by Atmos Energy to be inconsistent with gas distribution industry standard safe operating practices for existing facilities. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet unless prior agreement is obtained from Atmos Energy.

When Atmos Energy is required by City to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by City, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through City, Atmos Energy costs and expenses shall be included in any application by City for reimbursement if Atmos Energy submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to City. Upon receipt of reimbursement from such program, the City shall remit to Atmos Energy, within thirty (30) days of receipt, its portion related to the relocation or removal of its facilities.

If Atmos Energy is required by City to remove or relocate its mains, laterals, or other facilities lying within Public Rights-of-Way for any reason other than the construction or reconstruction of sewers, drainage, water lines, streets, or utilities by City, Atmos Energy shall be entitled to reimbursement from City or others of the cost and expense of such removal or relocation.
F. When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by City without reimbursement from City, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of relocation costs when Company is required by City to perform relocation. City shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs.
G. If City abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense
of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.
H. Upon request by City made no more often than once in any 12-month period, Atmos Energy shall provide maps showing the location of its primary system. Any maps provided by Atmos Energy to the City shall be deemed confidential and will be provided solely for the City's use. The City agrees to maintain the confidentiality of any non-public information obtained from Atmos Energy to the extent allowed by law. In addition, Atmos Energy shall cooperate in locating its system when necessary to avoid conflict and protect the health and safety of the public.

## SECTION 3. INDEMNITY \& INSURANCE:

A. ATMOS ENERGY SHALL DEFEND, INDEMNIFY AND SAVE WHOLE AND HARMLESS THE CITY AND ALL OF ITS OFFICERS, AND EMPLOYEES AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS, COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH) , PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT SUFFERED BY ANY PERSON OR PERSONS THAT MAY BE OCCASIONED BY, OR ARISE OUT OF ATMOS ENERGY'S BREACH OF ANY OF THE TERMS OR PROVISIONS OF THIS AGREEMENT, OR BY ANY NEGLIGENT OR STRICTLY LIABLE ACT, OR OMISSION BY ATMOS ENERGY, ITS OFFICERS, AGENTS, EMPLOYEES, SUBCONTRACTORS, AFFILIATES AND SUBSIDIARIES, IN THE CONSTRUCTION, MAINTENANCE, OPERATION, OR REPAIR OF THE GAS DISTRIBUTION SYSTEM, OR BY THE CONDUCT OF ATMOS ENERGY'S BUSINESS IN THE CITY PURSUANT TO THIS ORDINANCE/FRANCHISE AGREEMENT; THE INDEMNITY PROVIDED FOR IN THIS SECTION SHALL NOT APPLY TO THE EXTENT ANY LIABILITY RESULTING FROMIS ATTRIBUTABLE TO THE NEGLIGENCE OR FAULT OF THE CITY, ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE CONTRACTORS, AND IN THE EVENT OF JOINT AND CONCURRENT NEGLIGENCE OR FAULT OF BOTH ATMOS ENERGY AND THE CITY, RESPONSIBILITY AND INDEMNITY, IF ANY, SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS WITHOUT, HOWEVER, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO THE CITY UNDER TEXAS LAW AND WITHOUT WAIVING ANY OF THE DEFENSES OF THE PARTIES UNDER TEXAS LAW. IT IS UNDERSTOOD THAT IT IS NOT THE INTENTION OF THE PARTIES HERETO TO CREATE LIABILITY FOR THE BENEFIT OF THIRD PARTIES, BUT THAT THIS SECTION SHALL BE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND SHALL NOT CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY PERSON OR ENTITY.
B. Company shall, at its sole cost and expense, obtain, maintain, or cause to be maintained, and provide, throughout the term of this Ordinance, insurance in the amounts, types and coverages in
accordance with the following requirements. Such insurance may be in the form of self-insurance to the extent permitted by applicable law or by obtaining insurance, as follows:
(1) Commercial general or excess liability on an occurrence or claims made form with minimum limits of five million dollars $(\$ 5,000,000)$ per occurrence and ten million dollars ( $\$ 10,000,000$ ) aggregate.
(2) Automobile liability coverage with a minimum policy limit of one million dollars ( $\$ 1,000,000$ ) combined single limit each accident. This coverage shall include all owned, hired, and non-owned automobiles.
(3) Workers' compensation and employer's liability coverage. Statutory workers' compensation benefits in accordance with the statutes and regulations of the State of Texas. Company must provide the City with a waiver of subrogation for workers' compensation claims.
(4) Upon request, the Company will provide proof of insurance in accordance with this Ordinance within thirty (30) days after such request. Company will not be required to furnish separate proof when applying for permits.
C. Atmos Energy's insurance obligations pursuant to this franchise may be in the form of selfinsurance to the extent permitted by applicable law, under an Atmos Energy plan of self-insurance maintained in accordance with sound accounting and risk-management practices. Such selfinsurance plan must be reviewed by the City.

SECTION 4. NON-EXCLUSIVE FRANCHISE: The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for City and the inhabitants thereof.

## SECTION 5. PAYMENTS TO CITY:

A. Atmos Energy, its successors and assigns, agrees to pay and City agrees to accept, on or before the 15 th day of February, 2023 and on or before the same day of each succeeding year during the term of this franchise the last payment being made on the 15th day of February, 2042, a sum of money which shall be equivalent to five percent (5\%) of the Gross Revenues, as defined in 5.B. below, received by Atmos Energy during the preceding calendar year.
B. "Gross Revenues" shall mean:
(1) all revenues received by Atmos Energy from the sale of gas to all classes of customers
(excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;
(2) all revenues received by Atmos Energy from the transportation of gas through the System of Atmos Energy within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City);
the value of gas transported by Atmos Energy for Transport Customers through the System of Atmos Energy within the City ("Third Party Sales")(excluding the value of any gas transported to another gas utility in City for resale to its customers within City), with the value of such gas to be established by utilizing Atmos Energy's monthly Weighted Average Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time as the transportation service is performed; and
(4) "Gross Revenues" shall also include the following "miscellaneous charges": charges to connect, disconnect, or reconnect gas and charges to handle returned checks from consumers within the City.
(5) "Gross Revenues" shall not include:
(a) revenues billed but not ultimately collected or received by Atmos Energy;
(b) contributions in aid of construction;
(c) the revenue of any affiliate or subsidiary of Atmos Energy;
(d) sales tax and franchise fees paid to the City;
(e) interest or investment income earned by Atmos Energy; and
(f) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way.
C. The initial payment for the rights and privileges herein provided shall be for the privilege period January 1 through December 31, 2023, and each succeeding payment shall be for the privilege period of the calendar year in which the payment is made.

It is also expressly agreed that the aforesaid payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that City may now impose or hereafter levy and collect from Atmos Energy or Atmos Energy's agents, excepting only the usual general or special ad valorem taxes
that City is authorized to levy and impose upon real and personal property. If the City does not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges aforesaid.

## D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by Atmos Energy

If Atmos Energy should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in Atmos Energy's Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by Atmos Energy to City pursuant to this Ordinance may, at the election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City. The City acknowledges that the exercise of this right is conditioned upon the City's acceptance of all terms and conditions of the other municipal franchise in toto. The City may request waiver of certain terms and Company may grant, in its sole reasonable discretion, such waiver.

## E. Atmos Energy Franchise Fee Recovery Tariff

(1) Atmos Energy may file with the City a tariff or tariff amendment(s) to provide for the recovery of the franchise fees under this agreement.
(2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for $100 \%$ recovery of such franchise fees as part of Atmos Energy's rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Atmos Energy's franchise fees is an issue, the City will take an affirmative position supporting $100 \%$ recovery of such franchise fees by Atmos Energy and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the $100 \%$ recovery of such franchise fees by Atmos Energy.
(3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Atmos Energy.
F. Lease of Facilities Within City's Rights-of-Way. Atmos Energy shall have the right to lease, license or otherwise grant to a party other than Atmos Energy the use of its facilities within the City's public rights-of-way provided: (i) Atmos Energy first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) Atmos Energy makes the franchise fee payment due on the revenues from such lease pursuant to Section 5 of this Ordinance. This authority to Lease Facilities within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.
G. City shall within thirty (30) days of final approval, give Company notice of annexations and disannexations of territory by the City, which notice shall include a map and addresses, if known. Upon receipt of said notice, Company shall promptly initiate a process to reclassify affected customers into the city limits no later than sixty (60) days after receipt of notice from the City. The annexed areas added to the city limits will be included in future franchise fee payments in accordance with the sales tax effective date of the annexation if notice was timely received from City. Upon request from City, Company will provide documentation to verify that affected customers were appropriately reclassified and included for purposes of calculating franchise fee payments. In no event shall the Company be required to add premises for the purposes of calculating franchise payment prior to the earliest date that the same premises are added for purposes of collecting sales tax.

## SECTION 6. TERMINATION

A. The City, in accordance with subsection (B) below, may terminate this Ordinance and all rights and privileges pertaining thereto, in the event that Atmos Energy violates any material provision of this Ordinance (an "Event of Default").

## B. Uncured Events of Default.

(1) Upon the occurrence of an Event of Default which can be cured by the immediate payment of money to City or a third party, Atmos Energy shall have thirty (30) days (or such additional time as may be agreed to by the City) after receipt of written notice from

City of an occurrence of such Event of Default to cure same before City may exercise any of its rights or remedies as outlined in Section 6 (C).
(2) Upon the occurrence of an Event of Default by Atmos Energy which cannot be cured by the immediate payment of money to City or a third party, Atmos Energy shall have sixty (60) days (or such additional time as may be agreed to by the City) after receipt of written notice from City of an occurrence of such Event of Default to cure same before City may exercise any of its rights or remedies as outlined in Section 6 (C).
(3) If the Event of Default is not cured within the time period allowed for curing the Event of Default as provided for herein, such Event of Default shall, without additional notice, become an Uncured Event of Default, which shall entitle City to exercise the remedies as outlined in Section 6 (C).
C. Remedies. Upon receipt of a notice of an alleged Uncured Event of Default as described, which notice shall specify the alleged failure with reasonable particularity, Atmos Energy shall, within the time periods specified in Section 6 (B) or such longer period of time as may be agreed to by the City, either cure such alleged failure or, in a written response to the City, present facts and arguments in refuting or defending such alleged failure, or state that such alleged failure will be cured and set forth the method and time schedule for accomplishing such cure. In the event that such cure is not forthcoming or the City determines that an unexcused "Uncured Event of Default" has occurred, City shall be entitled to exercise any and all of the following cumulative remedies:
(1) The commencement of an action against Atmos Energy at law for monetary damages.
(2) The commencement of an action in equity seeking injunctive relief or the specific performance of any of the provisions, which as a matter of equity, are specifically enforceable.
(3) The termination of the franchise granted herein.
D. Remedies Not Exclusive. The rights and remedies of City and Atmos Energy set forth in this Ordinance shall be in addition to, and not in limitation of, any other rights and remedies provided by law or in equity. City and Atmos Energy understand and intend that such remedies shall be cumulative to the maximum extent permitted by law and the exercise by a party of any one or more of such remedies shall not preclude the exercise by such party, at the same or different times,
of any other such remedies for the same failure to cure. However, notwithstanding this Section or any other provision of this Ordinance, City shall not recover both liquidated damages and actual damages for the same violation, breach, or noncompliance, either under this Section or under any other provision of this Ordinance.
E. Termination. The franchise granted herein may be terminated only in accordance with the provisions of Section 6(C). City shall notify Atmos Energy in writing at least thirty (30) business days in advance of the City Council meeting at which the questions of termination shall be considered, and Atmos Energy shall have the right to appear before the City Council in person or by counsel and raise any objections or defenses Atmos Energy may have that are relevant to the proposed forfeiture or termination. The final decision of the City Council may be appealed to any court or regulatory authority having jurisdiction. Upon timely appeal by Atmos Energy of the City Council's decision terminating the franchise granted herein, the effective date of such termination shall be either when such appeal is withdrawn or a court order upholding the termination becomes final and unappealable. If no appeal is filed, the effective date of such termination shall be the thirtieth ( $30^{\text {th }}$ ) day following the date of the final termination decision of the City Council. Until the termination becomes effective, the provisions of this Ordinance shall remain in effect for all purposes

SECTION 7. ASSIGNMENT: Atmos Energy's rights under this Ordinance shall not be assigned or transferred without the written consent of the City, which consent shall not be unreasonably delayed or withheld; provided, however, that Atmos Energy may assign its rights under this Ordinance to a parent, subsidiary, affiliate or successor entity without such consent, so long as such parent, subsidiary, affiliate or successor (i) assumes all obligations of Atmos Energy hereunder, and (ii) is bound to the same extent as Atmos Energy hereunder. City shall grant approval of assignments unless the proposed assignee is materially weaker than Atmos. For the purpose of this section, "materially weaker" means that the long term unsecured debt rating of the assignee is less than investment grade as rated by both S\&P and Moody's. If the proposed assignee is materially weaker, the City may request additional documents and information reasonably related to the transaction and the legal, financial, and technical qualifications of the proposed assignee. Atmos Energy shall give the City thirty (30) days prior written notice of any assignment to a parent, subsidiary, affiliate or successor entity. Any required consent shall be expressed by an ordinance that fully recites the terms and conditions, if any, upon which such consent is given. Any such assignment or transfer shall require that assignee assume all obligations of Atmos Energy and be bound to the same extent as Atmos Energy hereunder. If within the first year after assignment, City identifies a failure to comply with a material provision of this Ordinance, City shall have the right, after notice and opportunity
for hearing before Council, to terminate this Ordinance pursuant to Section 6. Any assignment or transfer effected prior to the City's approval thereof, if required, shall authorize the City to treat such assignment or transfer as an Uncured Event of Default and immediately implement the provisions of Section 6, including the right to terminate the franchise granted herein.

SECTION 8. ACCEPTANCE OF FRANCHISE: In order to accept this franchise, Atmos Energy must file with the City Secretary its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by City. If such written acceptance of this franchise ordinance is not filed by Atmos Energy, the franchise ordinance shall be rendered null and void.

When this franchise ordinance becomes effective, all previous ordinances of City granting franchises for gas delivery purposes that were held by Atmos Energy shall be automatically canceled and annulled, and shall be of no further force and effect.

SECTION 9. PARAGRAPH HEADINGS. CONSTRUCTION: The paragraph headings contained in this ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs hereof. Both parties have participated in the preparation of this ordinance and this ordinance shall not be construed either more or less strongly against or for either party.

SECTION 10. GOVERNING LAW: This Ordinance shall be governed and construed in accordance with the laws of the State of Texas, without giving effect to any conflicts of law rule or principle that might result in the application of the laws of another jurisdiction.

SECTION 11. SEVERABILITY: It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance. Both Atmos Energy and the City expressly recognize that this Ordinance creates a binding and enforceable contract between them, which contract may not be amended without written consent of both Atmos Energy and the City. Should any inconsistency or conflict exist now or in the future between the provisions of this Ordinance and the City's charter or another ordinance or ordinances, then the provisions of this Ordinance shall control to the extent of such inconsistency or conflict to the extent not prohibited by law.

SECTION 12. REPEALER: Each and every other ordinance or part thereof which is directly in conflict with any provision herein as to the grant of a franchise for natural gas services and the regulation thereof is hereby repealed.

SECTION 13. EFFECTIVE DATE: If Atmos Energy accepts this ordinance, it becomes effective as of June 6, 2022.

PASSED AND APPROVED by the City Council of the City of Rockwall, Texas on this the $6^{\text {th }}$ day of June, 2022.

# CITY OF ROCKWALL 

Kevin Fowler, Mayor
City of Rockwall, Texas

## ATTEST:

Kristy Teague, City Secretary

## APPROVED AS TO FORM:

05/16/2022
$1^{\text {st }}$ reading:

06/06/2022
$2^{\text {nd }}$ reading:

Frank Garza, City Attomey

STATE OF TEXAS COUNTY OF ROCKWALL CITY OF ROCKWALL
$\S$
8
$\S$

I, Kristy Teague, City Secretary of the City of Rockwall, Rockwall County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Rockwall, Texas, at a regular session, held on the $6^{\text {th }}$ day of June, 2022, as it appears of record in the official minutes of said meeting.

WITNESS MY HAND AND SEAL OF SAID CITY, this the $\qquad$ day of $\qquad$ , 2022.

Kristy Teague, City Secretary
City of Rockwall, Texas

## MEMORANDUM

| TO: | Mary Smith, City Manager |
| :--- | :--- |
| CC: | Honorable Mayor and City Council |
| FROM: | Kristy Teague, City Sect./Asst. to the City Manager |
| DATE: | May 16, 2022 |
| SUBJECT: | TWO NEW ART COMMISSION APPTS. |

Attachments
Summary/Background Information
The Council will take action on the Monday, May 16 "Consent Agenda" to approve an ordinance on 2 nd reading that will expand the ART Commission from a five (5) to a seven (7) member board. Regarding the two, new seats that will be added - one of the seats will have a term that will end in an odd-numbered year (2023), and the other seat will need to expire in an evennumbered year (2022 or 2024). Regarding the term of whomever is appointed to the evennumbered year seat - the Council may wish to consider having that person serve thru Aug. of 2022 (initially) and then continue on to serve a full, two-year term thereafter that will ultimately expire in Aug. of 2024.

Action Needed
Appointment of two, new ART Commission members


[^0]:    Kevin Fowler, Mayor

[^1]:    Kristy Teague, City Secretary

[^2]:    D \& A REAL ESTATE PARTNERS LTD
    PO BOX 850
    ROCKWALL, TX 75087

[^3]:    CAUMION: This email originated from outside of the organisation Do not click fink or gpen atiachments Inicss you recornive the sender and know the content is safe

[^4]:    CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[^5]:    WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] should be amended as follows:

